

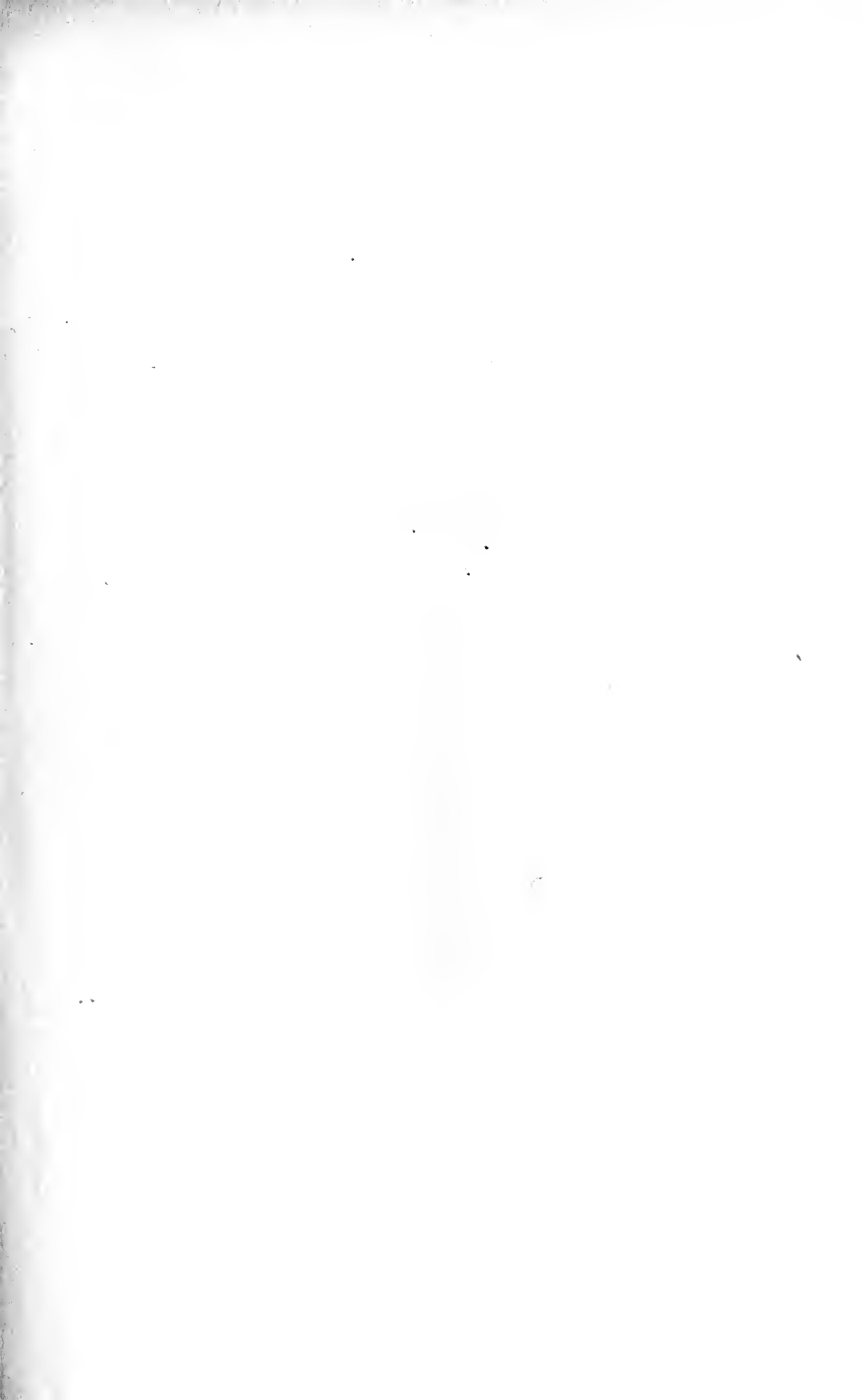


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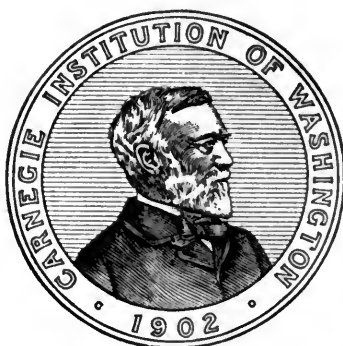
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Letters of Members of the Continental Congress

EDITED BY
EDMUND C. BURNETT

VOLUME VI

March 1, 1781, to December 31, 1782



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PREFACE.

As the volumes of this series have slowly come to fruition new letters have from time to time come to light, some of them, unfortunately, too late for insertion in their proper places. The preceding volume contained numerous letters supplied by the William L. Clements Library from the papers of General Nathanael Greene and the Sir Henry Clinton Papers, lately acquired by that library, and also letters from the Gratz Collection in the Historical Society of Pennsylvania, which had not theretofore been available. Additional letters from these sources appear in the present volume, for which renewed thanks are due to those libraries and to their courteous librarians. In the present volume also will be found contributions from sources not hitherto recorded. Mrs. Annette Townsend Phillips, of Goshen, N. Y., a descendant of Elbridge Gerry, has generously furnished from her treasured possessions letters from James Lovell to Gerry; Mr. Charles Francis Jenkins of Philadelphia has supplied a number of letters from his collection; and Charles Warren, Esq., of Dedham, Massachusetts, and Washington, has made the clarifying contribution which appears on page 6. To each of these generous friends of this publication the editor desires to express his sense of grateful obligation. To the Library of Congress and likewise to all other libraries, institutions, and individuals who have throughout the preparation of this series of letters freely afforded their assistance and co-operation, he would extend anew his cordial thanks. As hitherto, Miss Cornelia M. Pierce has expertly guided this volume through the press, besides rendering other invaluable assistance, while Mr. David M. Matteson has again prepared the index—an index marked, as always, by high scholarship and incomparable serviceableness. In the preparation of the "List of Members" much assistance has been rendered by my son, Edmund C. Burnett, jr., and Miss Larry W. Worrall.

The period covered by this volume, beginning with the adoption of the Articles of Confederation on March 1, 1781, and closing with the year 1782, encompasses the time during which the last campaign of the war was conducted to a successful conclusion and the greater part of the period in which Congress waited for the finished results in a treaty of peace—An auspicious beginning, months of anxious uncertainty over the decision of arms, other months of almost equal anxieties for the verdict of peace, an exultant ending.

It is the purpose in the following pages to review the proceedings of Congress respecting those matters only that were of primary importance and led to protracted discussion—the consideration of its powers and

the efforts for their enlargement, the unceasing struggle with the troublesome finances, the prolonged search for a solution of the western land problem, the repeated wrestlings with the intractable Vermont imbroglio, the examination of the terms on which peace might be concluded. These questions above all others impinged upon the attention of Congress, yet they do not by any means constitute all the subjects that pressed upon that body for consideration and decision. Despite the exacting and persistent demands which these problems made upon the time and labors of Congress, numerous measures for the betterment of administration, constructive in character and permanent in value, were framed and put into operation. Of wrangling over matters more or less inconsequential there was probably less than had been the case in preceding years.

The hour of noon of the first day of March, 1781, was generally believed to mark one of the great achievements of the long struggle toward independence. The union which had begun nearly seven years before in a gathering of representatives of the British colonies in America, with but vague notions of anything more than temporary co-operation and with scarcely a thought that they were laying the foundations of a new and great nation, had at last been consolidated by a bond which declared itself to be perpetual—persistent doubts of its perpetuity notwithstanding. It was truly an occasion for great rejoicing; it was an occasion for hope. The union which had hitherto rested mainly upon the impulses incident to a common struggle was now upon foundations that seemed measurably permanent and secure, and therefore to all who had visioned the United States as becoming one of the nations of the world, the completed confederation was both a fulfillment and a promise.

That the Articles of Confederation were however in several respects deficient for the purposes of national strength and vigor had been demonstrated over and over again even before their ratification. The weaknesses of Congress which had manifested themselves in the year just passed had been such as sorely taxed the patience and tried the souls of all who yearned to push the war vigorously to a successful conclusion; and there were not lacking those who would have had Congress assume powers requisite to its needs, whether or not such powers had been explicitly conferred upon it. Assumption of extraordinary powers by that body without express warrant from the states was all but unthinkable. Whatever individual members might in their secret souls desire, most of them knew well enough that it behooved Congress to speak softly, to walk narrowly, to step precisely, and at all times to refrain from flourishing the big stick. Application to the states, on the other hand, for a grant of additional powers might appropriately be considered. When the question was broached in Congress in May or June, 1780, it met with a cold response; yet a little later, in August of that year, a convention of the New England states assembled at Boston advanced a proposition for

strengthening the hands of Congress, and for that purpose requested a further conference of those states and New York in November following. Meanwhile, in October, the legislature of New York enthusiastically espoused the idea and elaborated upon it. A subsequent convention at Hartford likewise approved the plan, adopting the New York resolution almost word for word. The proceedings of these several bodies were in due time laid before Congress, with one significant exception, namely, the New York delegates suppressed the resolution of their legislature proposing the use of military power for the enforcement of the requisitions of Congress. In their view its presentation was injudicious. Nevertheless, when the Hartford proceedings made their appearance in Congress there was the almost identical resolution, with all its terrors. "That resolution", Witherspoon wrote to Governor Livingston (December 16, 1780), "is of such a nature that I should never give my voice for it unless you or my constituents should specifically direct it, perhaps *even not then*." And James Warren, in Boston, writing to Samuel Adams in Congress concerning the Hartford resolutions, declared, "If one of them does not astonish you I have forgotten my political catechism." On the other hand, Root of Connecticut declared, "It is as necessary that Congress should exercise the powers of coercion over particular States for the general purposes of the confederacy, as it is . . . that each state should exercise such power over its particular citizens for the weal of the State".

In the meantime individuals both in and out of Congress had been emphasizing the weakness of Congress and suggesting remedies. In New York Schuyler and Hamilton were especially active in furthering the movement in behalf of enlarged powers for the central government; and Hamilton in particular, renewing a suggestion that had appeared occasionally before, urged the calling of a convention of the states for the purpose of framing a new instrument of government. Washington had on numerous occasions, particularly in the spring and summer of 1780, confided to intimate friends his sober judgment that, unless Congress should be invested with or should assume adequate powers, the cause was lost. Among the members of Congress who were most imbued with the necessity of strengthening the hand of the central government, either by additional articles to the Confederation or through a new-framed instrument of government, were James Duane, to whom Hamilton had communicated his ideas in September, 1780, Varnum of Rhode Island, Root of Connecticut, Sullivan of New Hampshire, and Jones and Madison of Virginia. Even if the Articles of Confederation shall be ratified, Sullivan wrote to President Weare October 2, 1780, Congress would be "a Body without power and the States the several Component parts of a Monster with Thirteen heads", and the only remedy which he could conceive was to call a convention of the several states to vest Congress "with authority to use Coercive measures with those States which Refuse to Comply with reasonable requisitions".

No sooner had the Articles of Confederation been ratified than those members of Congress who had long recognized its defects at once renewed their efforts to make the instrument more efficient for its chief purposes. "The want hitherto of a proper line to be drawn between Congress and the states", Mathews of South Carolina wrote at this time to Governor Livingston of New Jersey, "has been the cause of numberless embarrassments, for whilst the states were left *ad libitum*, some would do a great deal, some a little, others scarcely anything"; yet he anticipated "the most happy consequences" from the ratification of the Articles. On the sixth of March, on a motion of Varnum of Rhode Island, seconded by Root of Connecticut, a committee was appointed to prepare a plan to invest Congress "with full and explicit powers for effectually carrying into execution in the several states all acts or resolutions passed agreeably to the Articles of Confederation"; and Varnum, Duane, and Madison, three men supremely interested in the object aimed at, were appointed for the purpose.

A report by the committee, principally drawn by Madison and bearing the date March 12, was offered in Congress March 16, but was not taken into consideration until May 2. If approved by Congress and acquiesced in by the states, Varnum wrote March 16, "the willing States will be greatly relieved". The committee reported that, whilst the 13th article of the Confederation contained an implied power in Congress to enforce every provision of the Confederation against any state which should refuse or neglect to abide by the determinations of Congress, nevertheless "all exercise of power should be explicitly and precisely warranted". It was therefore proposed that the articles be so amended as to authorize Congress to employ the land or sea forces of the United States to compel any delinquent state to fulfill its federal engagements. John Mathews at the same time offered the milder proposition that the states be requested to pass laws vesting in Congress, in time of war, such powers as might be necessary for efficiently prosecuting the war.

What was said or done in Congress when the report was offered is left mainly to conjecture, for the *Journals* are silent on the subject, and but few members have left expressions of their views. One such is from Varnum. In a letter to Governor Greene (April 2), alluding to the lack of power in Congress or in any other body of calling out the resources of each state, he said, "An extreme tho perhaps well-meant Jealousy, in many Members of Congress, especially those of long Standing, seems to frustrate every Attempt to introduce a more efficacious system". "Prudent Caution against the Abuse of Power", he added, "is very requisite for supporting the Principles of republican Government; but when that Caution is carried too far, the Event may, and probably will prove alarming." It was his opinion that the only efficacious mode of remedying the evil was a thorough revision of the Articles by a convention composed of others than members of Congress. Madison, for his part, sent a copy of the report

to Governor Jefferson (April 16) and asked his views of the matter. Without such powers in the general government, he wrote, "the whole confederacy may be insulted and the most salutary measures frustrated by the most inconsiderable state in the union". In a letter to Jefferson the same day Joseph Jones, then at his home in Virginia, discussed the problem at length. Two questions in particular disturbed him: one was how a disobedient state should be punished, the other was whether it would not be better to obtain from the states a "voluntary declaration"; for he suspected that "such a Recommendation coming from Congress wo'd excite fears in the States, that there was a disposition in Congress to grasp dangerous Powers". It was indispensably necessary, Jones contended, "that the Congress should be vested with a controuling power over the States sufficient to compel obedience to requisitions for Men and Money apportioned agreeable to the Rules laid down".

On May 2 the report was taken into consideration and referred to a committee consisting of one member from each of the states. Evidently the proposed enlargement of the powers of Congress was not acceptable to the grand committee, for when it submitted its report, on July 20, its principal recommendation was that the states be asked to authorize Congress to lay embargoes in time of war for a period not exceeding sixty days at one time; that monies collected by the states in fulfillment of their quotas be "vested specifically" for the use of the United States; and that such taxes be paid by the collectors to persons appointed by Congress. The grand committee was thereupon discharged, and a committee of three, Randolph, Ellsworth, and Varnum, was appointed "to prepare an exposition of the Confederation, a plan for its complete execution, and supplemental articles". This committee made a report August 22 in which it laid down as premises that America had become a confederate republic to crush the foes of its independence, that a general council was a necessary organ of the republic, and that without an extension of its power in certain cases "war may receive a fatal inclination and peace be exposed to daily convulsion". The committee enumerated seven particulars in which increased powers were desirable, among them, that of laying embargoes in time of war, but without any limitation, such as had previously been proposed; the appointment by Congress of the collectors of such taxes as were imposed in accordance with the requisitions of Congress; and the power to distrain the property of a state which became delinquent in its assigned proportions of men and money. Finally, it was recommended that a committee be appointed to prepare a representation to the states setting forth the necessity of these supplemental powers. Congress voted that the report be "an order of the day for to Morrow"; if however the discussion was resumed the *Journals* contain no record of it. Clearly it was discovered to be impossible to obtain the adoption of even these mild measures. About all therefore that was salvaged from all these offer-

ings and long discussions was a recommendation, adopted November 2, when the new quotas were assigned, that the taxes laid by the states for the payment of their quotas be an item separate and distinct from any taxes for state purposes, and that they be paid to the commissioners of the federal loan office or to such persons as the superintendent of finance might designate.

That taxes for federal quotas be made a distinct item and be paid into the Continental treasury was a small request, but the reason for it was not small. Some of the states, having laid taxes for their quotas and having collected them, straightway appropriated the money, in part at least, to their own particular uses. Congress had asked for bread and had been given a stone. If that were to be the practice, why make requisitions at all? Unless the states could be induced to subordinate their local aims to the great common purposes, at least better to co-ordinate the two, the Confederation was of little worth. Congress had in fact become a suppliant at the feet of the thirteen states, and even so was unable to obtain means to promote the common cause.

Casting about for some solution of the desperate problem, some members came to the conclusion that the states might be prevailed on to grant Congress the right to collect a small duty on imported goods. This would give Congress a moderate income of its own in nowise dependent upon the wills or whims of the several states; yet it was almost a full year from the time when the measure was first suggested before a majority of Congress were brought to consent to it. Finally, on the third of February, 1781, Congress asked the states for a power to levy an impost of five per cent ad valorem on imports and a like duty on prizes and prize goods, the proceeds to be applied to the discharge of debts contracted or to be contracted for the support of the war. The collection and appropriation of these funds was to be in the hands of Congress, and it was estimated that the impost would yield some six or seven hundred thousand dollars annually. It was by no means all that Congress would need, but it would be sufficient to give a sense of security, then lamentably wanting.

Despite the urgent request of Congress that the states take the speediest possible action on the matter, so pressing were the needs, yet nearly a year and a half had passed before as many as eleven states had complied. Of the remaining two, Georgia failed to take any action at all, and Rhode Island peremptorily refused assent. Altogether about two and a half years were consumed in this fruitless effort. The impost measure of February 3, 1781, was only one product of the Congressional mill, which, throughout the period covered by this volume, was grinding upon financial grist almost without ceasing. Questions relating to public credit in numerous phases were seldom absent from the Congressional hopper. On the sixth of March it was resolved that three days of each week should be devoted to the subject of finance, "until the United States in Congress assembled

shall have come to a final decision on that subject". Only a very bold, even rash, prophet would however have predicted that the United States in Congress assembled would ever come to more than a tentative decision upon any phase of its finances. At that very moment a ghost thought to have been laid just a year before had arisen to plague the Continental Congress and bring disturbance to all its works. The whole plan of the 18th of March, 1780, had gone awry. Those new emissions, every dollar of which was to demolish forty of the old emission, had encountered obstacles to their appearance, and when they did appear they exhibited an unexpected feebleness for the execution of their appointed task. In short, they were not long in manifesting all the weaknesses of their predecessors. In this as in other matters the states were prone to pursue the course which their own exigencies or their own interests seemed to demand, and the courses pursued were various, whether in the redemption of the old money or the issuing of the new. They discovered many impediments to the functioning of the act of March 18, and took their own measures accordingly, fixing various rates of exchange. This offered a magnificent opportunity to speculators, and many of them got busy, gathering up the old bills where they were cheap and rushing into other states where exchange was higher. The speculators were swift, but the bills in their headlong plunge were oftentimes swifter.

At the beginning of March, 1781, the rate of exchange was about 75 for one; a month later the old money had sunk to 135 for one and was continually sinking, while the new money, such of it as had been enabled to make its appearance, being tied to the old was dragged down with it. "Never", wrote Samuel Johnston (April 8), "was a poor fly more completely entangled in a cobweb than Congress in their paper currency." Another month and the rate had gone to 225 for one. New Jersey attempted to fix exchange at 150, and Pennsylvania at 175, but they might as well have tried to whistle down the wind. The very efforts to check the fall accelerated it. The effect of the Pennsylvania declaration, Madison wrote May 5, was "a confusion among the people of this City approaching nearly to a tumult, a total Stop to the circulation of the old money, and a considerable stagnation and increased depreciation of the new". Three days later the Virginia delegates informed Governor Jefferson that the confusion continued, "as in a few days the old Continental money has depreciated from two hundred to seven, eight, and some say nine Hundred for one". Figures of depreciation had practically lost all meaning. The old money was simply dead, and the new, it was believed, was "about to share the same fate". A little later Randolph declared bitterly that Congress's money was not worth the rags it was printed on. The disastrous swiftness of the fall is well illustrated by an instance related by Wither-
spoon in which a quantity of paper money amounting to "several thousand pounds" had perished in one week, before the bearer could journey from

Virginia to New Jersey. While most people were finding the situation one of the utmost seriousness, some of the inhabitants of Philadelphia were able to make a joke of the whole business. They stuck Congress money in their hats "by way of cockades", and paraded the streets, accompanied by a dog which they had smeared with tar and covered with a blanket of Continental bills.

In all this time there was no dearth of plans for the restoration and support of public credit. On March 16 Congress had recommended to the states the repeal of all tender laws. A month later a committee, appointed early in February, brought in a statement of the amounts of the public debt and an estimate of the expenses for the current year, accompanying their estimates with an historical résumé of the efforts of Congress to solve its financial problems, efforts almost invariably defeated by the "unpunctuality of the states in complying with the requisitions of Congress", or by the machinations of the enemy. If, averred the committee, the states had only carried out the act of March 18 "according to the intention of Congress", all would have been well; but as this was not done, "Congress was again driven into temporary expedients". The committee, in conclusion, appealed for the adoption of the impost measure, and a copy of the report was sent to each of the states.

Conspicuous among the plans were two "schemes of finance", offered by Oliver Wolcott and Meriwether Smith, respectively, which were put into the form of ordinances and actually passed the first reading (April 25). They were, upon the whole, elaborations upon the plan of March 18, 1780, but Smith's scheme in particular proposed a new emission of ten million dollars in bills of credit and provided for their redemption. Under the conditions then existing it was not likely that any plan of redemption which Congress might devise would succeed in restoring confidence in its paper dollars.

The proponents of these schemes had not of course failed to recognize that the vital question inhering in any scheme of Congressional finance was whether the states would carry out their parts in the programme. Accordingly it was solemnly provided that in the event any state was delinquent, "a remonstrance shall issue under the sign manual of the President of Congress for the time being, and under the seal of the United States, attested by the Secretary of Congress, against the conduct of such delinquent State or States", and, in the event of further refusal or neglect, "a *prohibition* shall thenceforth issue against the commerce both by sea and land, of such delinquent State or States, in the manner herein prescribed in the case of a remonstrance". As for remonstrances, Congress had tried them many a time without avail, and that body may very well have been skeptical whether their effectiveness would be enhanced by the addition of sign manual and seal. As for prohibitions, it was not at all likely that Congress would try them without authority first granted by

an amendment to the Articles of Confederation. Yet, how sublime a confidence Congressional financiers could have in their untried schemes is evidenced by Smith's concluding sentence: "Let Congress adopt and pursue this plan and be great and happy." No votes upon the measure are recorded, therefore we are not privileged to know how many members of Congress were persuaded that the Smith plan offered either greatness or happiness.

Because the states not only had not remitted their quotas of taxes promptly but had likewise failed in many instances to pay the drafts drawn upon them for that purpose by the treasurer of the United States, it was proposed in Congress (May 22) to inform the states quite plainly that Congress expected those drafts to be accepted when presented and effectual measures be taken to pay them "punctually as they become due, *in real efficient money*", defined as silver and gold, or paper money equivalent thereto. The proposition was supported by only three states, namely, Pennsylvania, North Carolina, and Georgia; and Congress contented itself with informing the states that all calculations had been made on the basis of solid coin, with insisting upon payment of the drafts "punctually as they become due", and with the further admonition that "any further delay in complying with the requisitions of Congress must prove ruinous".

Although most of the discussions in Congress, as well as its tentative measures, had been of the nature of puttering and floundering, one step had been taken which was to prove more effectual in the restoration and support of public credit than all other measures put together. This was the creation of the office of superintendent of finance and the appointment of Robert Morris to that office.

The office of superintendent of finance was created on February 7 and the duties of that officer prescribed in general terms. In brief, the superintendent was to have the direction of all phases of the finances of Congress—public accounts, expenditures, revenues; but his plans must be reported to Congress, and he was restricted to such ways and means as Congress might adopt. He was given control over all persons employed in his service and was to report to Congress what assistants he desired, but Congress reserved to itself the choice of these officers. Nothing short of desperation could have induced Congress to commit its finances in so great a measure to any one person, and it was not even yet ready to surrender the appointment of all the officials who should have a hand in the administration of those affairs.

There was little question in Congress who should be summoned to take the financial helm, for Robert Morris stood almost alone as qualified for the task. There was just a glance toward Alexander Hamilton, but Hamilton had not yet had opportunity to give proof of his financial genius. On February 20 Morris was "unanimously elected", although this una-

nimity was obtained in consequence of the Massachusetts delegates, Samuel Adams and General Artemas Ward, declining to vote. Other delegates had their mental reservations, though for the time being held in abeyance. For instance, Thomas McKean wrote (July 3) to Samuel Adams, who had lately returned to Massachusetts: "There are some amongst us, who are so fond of having a great and powerful Man to look up to, that, tho' they may not like the name of King, seem anxious to confer kingly powers, under the titles of Dictator, Superintendant of Finance, or some such, but the majority do not yet appear to be so disposed." In time these critics would openly assert their opposition and would go the length of demolishing the fair structure which Morris had endeavored to erect. Morris at once laid down two conditions to his acceptance of the office: first, that he should not be required to dissociate himself from all commercial connections, and second, that he should have full authority in the appointment and dismissal of his own assistants. With regard to the first of these conditions, Morris stated that he had entered into engagements which he was in honor bound to maintain; with regard to the second he declared that without that power it would be impossible effectively to execute the duties of his office. Congress yielded its assent with great reluctance and only after much haggling, and on the fourteenth of May Morris accepted the appointment and shortly afterward entered upon the duties of his office.

The superintendent of finance began his task in the confident hope that, with a fair measure of co-operation on the part of Congress and the states, he would be able to bring some sort of order out of the financial chaos that existed. He afterward declared that, although the aspect of affairs was anything but promising at the time, "appearances were more favorable than the reality".

One fact upon which he appears not to have sufficiently reckoned was the utter impossibility of persuading the states to comply with the requisitions of Congress. The most efficient pens in Congress, with all of Washington's persuasive logic added, had failed to accomplish it, and, though Morris brought to bear upon the states the utmost of his powers of appeal, the results can at best be described as only meagre. As for Congress, notwithstanding an occasional voice rose to criticize, the majority of the members were inclined to regard the new arrangement as the salvation of the country. Besides, a tremendous burden had been lifted from their own shoulders. They could now leave it all to the superintendent of finance. Unfortunately perhaps there was a general disposition to regard Morris as a superman, who would perform miracles of finance. Washington however was wise enough to perceive from the beginning that the superintendent possessed no "magic art", although he might "recover us by degrees from the labyrinth into which our finances are plunged".

Morris's first proposal was the establishment of a national bank, which he expected would be of especial assistance to him in the conduct of his financial operations; but, though the plan was offered as early as May 17, it was not until the last day of the year 1781 that Congress finally took the necessary steps to its creation.

One of the superintendent's first concerns was of course to provide the army with much needed supplies. The system of specific supplies which then prevailed, Morris found, as had Washington, inordinately extravagant and wasteful, and he proposed to do away with the system in so far as possible and return to a cash basis. At the very times when the army was in dire need supplies were lying here and there over the country perishing, and their transportation to the places where they were needed might alone cost more than they were worth. In the beginning of June the superintendent sought and obtained authority to dispose of these supplies for cash or by exchange, and a few weeks later he obtained authority to supply the army by contract. To adopt a cash basis was almost tantamount to resorting to the use of "hard money", and this he sought by every means to obtain—by borrowing at home, by importation through commercial transactions, and by means of his personal credit. Aid from France came in the nick of time to save both the country and the superintendent from serious embarrassment.

By one means or another, by dint of extraordinary efforts, the superintendent of finance managed to drag the cumbersome financial machine through the crucial period of the Yorktown campaign—and a little beyond; but in the early part of 1782 he found further progress practically stopped by a stone wall of negligence and indifference on the part of the states. Accordingly, on February 11 he laid the case before Congress in a statement of such unusual frankness and vigor that it must have stunned the members of Congress as they sat and listened to its reading. It would be scarcely possible to obtain a better understanding of the critical state of affairs than Morris's statement affords.

No provision, he said, had been made for the payment of interest on the public debt, therefore those who trusted us in the hour of our distress were defrauded. "To expect that under such circumstances others would confide in the government would be folly, and to expect that foreigners will trust a government which has no credit with its own citizens would be madness." The brilliant successes of the last campaign had led him to hope that additional funds might be obtained from France, but repeated assurances from the ministers of his most Christian Majesty that no further pecuniary aid would be granted left no room to doubt of their intentions; and as for loans from other European powers, that delusion had already passed away. Our reliance then must be upon ourselves. But what is the prospect? "I would to God that I could say that there were even the appearances of general vigor and exertion." On the second of

November Congress had called upon the states for their respective quotas of eight million dollars in quarterly payments, to begin the first of April, yet so far as he could learn, not a single state had laid the necessary taxes. "There appears to be no solicitude anywhere for the support of arrangements on which the salvation of our country depends."

Morris did not of course fail to recognize that the crux of the problem was the lack of any power in Congress to enforce its requisitions. While the Confederation, he declared, had conferred on Congress "the privilege of asking everything", it had secured to each state "the prerogative of granting nothing". "What moneys the States may grant, and when they may grant them, is known only to Him who knoweth all things." What is more, he continued, "we have reason to apprehend a continuance of that shameful negligence which has marked us to a proverb, while all Europe gazed in astonishment at the unparalleled boldness and vastness of claims blended with an unparalleled indolence and imbecility of conduct". "I know there is a delicacy", he added, "which influences some minds to treat the States with tenderness and even adulation, while they are in the habitual inattention to the calls of national interest and honor. I know that delicacy, and I disclaim it. Nor will I be deterred from waking those who slumber on the brink of ruin. But my voice, sir, is feeble [he was addressing the president of Congress], and I must therefore pray to be assisted by the voice of the United States in Congress. Supported by them, I may, perhaps, do something; but without that support I must be but a useless encumbrance." This was strong language; yet in his circular letters to the states he had spoken with almost equal pointedness, and he knew how ineffective his appeals had been.

Congress, knowing that Morris had spoken solemn truth, unsavory though it was, was deeply impressed, and assigned to a committee the task of endeavoring to impress upon the states the necessity of "activity and decision", and it fell to the lot of Daniel Carroll to draft the appeal. Carroll would have addressed the states in language no less candid and forceful than that of Morris, but when his proposed address was made to run the Congressional gantlet only fragments of it were left, and those fragments were turned over to a new committee for further doctoring. The second committee made subtractions, additions, and modifications, but still failed to bring the address into conformity with the Congressional taste. In the end the whole thing was cast into the discard. The undiluted truth was too harsh for state ears, too strong for state stomachs. "Many who see the right road and approve it", Morris wrote to Franklin later in the year, "continue to follow the wrong road because it leads to popularity."

The first of April came and passed without any payments whatever being made toward the initial quarterly installment of the eight millions for which Congress had called in the preceding autumn. Accordingly, on

May 16, Morris wrote another circular letter to the states, wherein he observed that with the exception of New Jersey, from which he had only a few days before received the sum of five thousand five hundred dollars (the state's quota was 485,679 dollars), the states "have not given me one shilling for the service of the year 1782". "They have been deaf", he declared, "to the calls of Congress, to the clamors of the public creditors, to the just demands of a suffering army, and even to the reproaches of the enemy, who scoffingly declare that the American Army is fed, paid, and clothed by France." There was other plain speaking in the letter—the danger that the army would have to subsist itself or disband, the "scenes of distress and horror" that would ensue. Indeed the situation was so delicate that upon reflection he took counsel with a committee of Congress. The result was that the letter was suppressed and instead members of Congress, two to the northern and two to the southern states, were sent to make proper representations to the executives and legislatures of the states. Those communications, Jesse Root, one of the members chosen for the northern mission, wrote to Governor Trumbull, were "of great importance to the weal and safety of the United States", and it was thought by Congress that they could not otherwise be so well done. Indeed Congress deemed it so essential to keep the whole matter in deep secrecy that the Virginia delegates, in notifying their governor, resorted to the use of cipher. Several delegates were not averse to confiding the secret to officials and friends at home. For instance, John Lowell wrote to Samuel Adams: "You will be surprized to find how truly critical this Neglect [of the states to furnish their quotas of taxes] has rendered our Situation, the Delicacy and Danger of representing which by writing, has produced the Measure which Congress has adopted." One inducement to the measure was the fact, just then revealed, that Congress was far from being able to reckon on the aid, to the amount of six million livres, recently granted by France, since the entire sum and more had already been anticipated by expenditures. Then, in the beginning of June, Morris pointed out that payments from the states scarcely amounted to twenty thousand dollars, barely sufficient for a single day's expenses. Nor was this by any means the end of this story of glaring delinquency. On July 1, by which time 4,000,000 dollars should have been received from the states, only a paltry 50,000 had been paid, and on September 1, of the 6,000,000 then due only 125,000 had been received. "The Continental Treasury is very low indeed, nothing paid in by Any of the States", John Hanson wrote (June 11); "what will be the Consequence Should our Bank fail? And what can Support it if the Tax's are withheld?" Meanwhile the superintendent was subjected to no little sniping, to say nothing of general grumbling. Referring to these criticisms, Madison declared, "Every member in Congress must be sensible of the benefit which has accrued to the public from his administration; no intelligent man out of Congress

can be altogether insensible of it ". On June 27 Rutledge and Clymer, the members deputed to Pennsylvania and southward, returned, bringing sundry assurances from Pennsylvania, Delaware, and Maryland, and from Virginia a satisfactory resolve of the legislature. On July 18, that is to say, nearly two months from the time when the missions to the states were inaugurated, Messrs. Montgomery and Root, who had been deputed to visit the states eastward of Pennsylvania, made their report. The legislatures, of the different states, they reported, " seemed generally to be convinced " of " the importance and necessity of speedy and vigorous measures and of their punctually complying with the requisitions of Congress ", and they " gave assurance that the several objects communicated to them by your Committee, should be attended to with that seriousness and despatch their importance demanded "; but the deputation was unable to report that any such measures had actually been adopted. Incidentally, Montgomery discovered (although his complaint did not find record in the *Journals*) that several of the states which had laid taxes for their quotas of the eight million were actually appropriating the proceeds to their own uses.

The summer, likewise the autumn, dragged on with almost no funds in sight. " On the general subject of supplies ", the South Carolina delegates wrote in late October, " we need hardly inform you that our Army is extremely clamorous, we cannot pay them—we can hardly feed them. There is no money in the Treasury and we are obliged to draw upon the Foreign Loans before they are perfected." Of the serious situation in the army Washington was already giving cautious intimations, and before the end of the year he would have occasion to point out further alarming developments and imminent dangers.

Meanwhile there was no dearth of investigations by committees, and no dearth of findings, proposals, debates, resolutions; but all of them together would not enable Congress to grow money-bearing trees from the dead seeds of requisitions. With so much patience as was possible, therefore, and with such urgencies as appeared to be not too undiplomatic, Congress waited for the states to authorize the proposed five-per-cent impost. On July 15 Congress was notified that Maryland, the eleventh state, had acceded to the impost measure. Two states, Rhode Island and Georgia, had as yet made no response. On the tenth of October Congress made bold to call upon these two states for " an immediate definitive answer " whether they meant to comply with the recommendation of Congress. Georgia, long in possession of the enemy and only occasionally represented in Congress, was all but out of the reckoning. Rhode Island held the key to the situation. Until recently there had been little reason to suppose that the attitude of that state would be unfavorable, for hitherto the state's delegates in Congress (Varnum, Mowry, Ellery, and Cornell) appear to have approved the measure. For instance, on August

14 Varnum and Mowry had written to Governor Greene: "We are at a loss to conjecture the reasons wh'ch have induced the State of Rhode Island to delay complying with the Requisition of Congress, respecting the five per Cent. Duty. . . . It must be obvious that unless we can call forth the Resources of the respective States equally, it will be impossible to execute any great Object." The inquiry was repeated September 4, with further remarks emphasizing the desirability of adopting the measure. "When we assure you", they said, "that not a Farthing of money has been paid into the General Treasury from any of the states, excepting Pennsylvania, for more than a Year Since, you will agree with us that permanent Revenues are absolutely necessary."

Whatever may have come over the spirit of the Rhode Island government and people, in the summer of 1782 came a new delegate, David Howell, with views intensely hostile to the measure, and breathing denunciation against the impost and all its kind. Howell was followed presently by Jonathan Arnold, who acted for the most part in accord with him. It was on the very day of Arnold's arrival that Congress resolved to make its pointed inquiry. Prior to this time however Howell had appeared before a committee of Congress and had given at some length his views of the impost measure. In brief, Howell had taken his position at the farthest extremity of the state-rights doctrine. No sooner had Congress despatched its demand to Rhode Island than Howell and Arnold sent forward a counter plea. "The object of a seven years war", they declared, "has been to preserve the Liberties of this Country, and not to assume into our own hands the power of governing tyrannically." Their advice was to defeat the impost measure without fail, for "the fatal dye is cast—it is to be irrevocable. Let no man therefore Vote in its favor with a single remaining doubt. . . . He that doubteth is damned if he eat".

In the interval Howell continued to busy his pen with arguments against the impost measure and with counsel to defeat it. On December 6 Congress voted to send a deputation to Rhode Island to intercede with the authorities of that state in behalf of the measure. At the same time it was resolved to make one more appeal to the states to comply with the requisitions of Congress, and also to remonstrate with them for appropriating to their own uses moneys collected as parts of these quotas. On the twelfth of December Congress was officially notified (this information had come to Congress unofficially nearly a month before) that the lower house of the Rhode Island assembly had in the beginning of November overwhelmingly voted down the impost measure. Congress decided nevertheless that the deputation should proceed upon its mission, and it actually set out for Rhode Island December 22. It had not however gone far when it was halted by the news that Virginia had repealed her accession to the measure and that Maryland was about to do the same. On

December 24 the deputation was suspended. Almost two years had been consumed in the effort to accomplish this one small reform, and it had all been in vain.

In the meantime Howell had been the centre of another disturbing episode. Regardless of his oath of secrecy he had written a letter containing some revelations of foreign negotiations. Other members had from time to time failed to find that oath binding as between themselves and officials of their states or personal friends, but Howell's letter found its way into print. Moreover, statements in the letter were solemnly declared by a committee of Congress to be "not only ill founded, but some of them are expressly contradicted by the letters of your ministers at foreign courts". The committee was alluding particularly to two passages, one of which asserted that the loan John Adams was negotiating in Holland "fills as fast as could be expected", the other that "they have of late failed in no Applications for foreign Loans". The first assertion could be regarded as within the bounds of truth only upon the assumption that little or nothing had been expected; the second was simply untrue. After much squirming Howell acknowledged his authorship of the letter and endeavored to defend his action. His main refuge was under that provision of the Articles of Confederation "*which allows freedom of speech and debate in Congress*, and of course a free communication of such speeches and debates to their constituents, by the members of Congress, without being accountable to that body for the propriety of what is said, debated or communicated"; in short, that Congress had no power "to call any member of their body to account for any information which he may think proper to communicate to his constituents (the secrets only of Congress excepted)". A further significant contention was that "his constituents have hitherto approved his conduct, and he trusts they will not fail to support him". Congress could, in fact, do little else than administer to the gentleman from Rhode Island a severe rebuke.

When it began to appear that other sources of revenue had failed, were likely to fail, or to prove to be inadequate, many members of Congress turned their eyes toward the western lands as a source of funds, at least for the payment of the public debt. The idea was by no means new, but in its financial aspect it had been in subsidence for a time. In a letter to Congress July 29, 1782, wherein he discussed at length the important aspects of the country's finances, the superintendent of finance emphasized the desirability of Congress having the entire disposition of the back lands, and suggested modes in which these lands might be made the basis of public credit. A grand committee of Congress, appointed some days before, was already studying the subject, and on September 5 laid before Congress the proposition "that the western lands, if ceded to the United States, might contribute towards a fund for paying the debt of the United States".

Important as was the question of utilizing the western lands as a means of paying the public debt, far transcending the financial aspect of the question was the bearing which the cessions of these lands by the claimant states would have not only upon the relations of the states within the Union but upon the whole future of the United States. Yet few statesmen of the time more than dimly realized what that effect was destined to be. The question of the cessions had indeed been debated, even wrangled over, almost from the first assembling of Congress, but by the end of 1780 it had attained such a tentative solution as had at last induced the state of Maryland to yield her accession to the Articles of Confederation. The ink of the Maryland signatures to that instrument was, however, scarcely dry when the discussion was renewed in Congress, to be continued at intervals throughout the period covered by this volume. Conditions attached to the proposed cessions by New York, Connecticut, and Virginia were far from satisfactory to several of the states, but so vital was the completion of the Confederation thought to be that there was a general inclination to hold objections in abeyance for the time being. When however the controversy was resumed it grew in intensity. The subject had numerous phases and complications. For one thing, the claims of certain land companies were brought forward, greatly complicating the problem and confusing the councils of Congress. For another, the claims of the states themselves were overlapping and varied greatly in validity. For a third thing, there were the more potent questions of right and expediency. The states without such claims naturally pressed for cessions the most extensive and the least hampered by reservations and conditions. The claimant states, on the other hand, sought to conserve their own interests, to salvage of their holdings what they might with wisdom, or to utilize their claims as *quid-pro-quo*s. The Virginia case was, naturally, the one that gave rise to the sharpest and most prolonged controversy. Stirred to a new intensity in the autumn of 1781, the contest was waged in Congress for more than a year, culminating in October, 1782, in the outright acceptance by Congress of the cession of New York and the suspension of that of Virginia. Madison regarded it as a triumph on the part of Virginia's enemies and took a rather gloomy view of the ultimate outcome. Duane, on the other hand, believed that in time the different views would be accommodated. The Vermont affair, while in most respects dissociated from the question pertaining to the western lands, nevertheless had its repercussions upon that subject.

The proposal to erect this new state out of territory claimed by other states gave rise, among the states having large landholdings, to fears of dismemberment, fears of an epidemic of separatism. Virginia already had an example of it in the case of Kentucky, whence had recently come a second petition praying to be erected into an independent state. Pennsylvania also had her shock in the threat of her people west of the moun-

tains to set themselves up in independence. North Carolina had not yet been threatened but became uneasy. "The Spirit of making new States", wrote the North Carolina delegates (November 18), "is become epidemic. It is certain that many of the small States or at least many of the inhabitants of those States encourage that Spirit. They look with an envious eye on the large States and wish to make us all of the Pigmy breed."

Vermont had indeed on her own account given Congress trouble enough in the past, and it was to be a long time yet before she would be through with her vexings. Dropped like a hot iron in the late autumn of 1780, the affair was once more, in the summer of 1781, cautiously laid upon the Congressional table. Congress had more than once given evidence of repentance that in September, 1779, the disputant states had been requested to refer the controversy to that body for decision, and would fain have had these states pull their own chestnuts out of the fire. The interested states, on the other hand, were just as anxious to hold Congress to the line of its promise. Moreover, the affair had by now received some new complications. There had before been intimations that the Vermonters might, so far as they were concerned, seek to make their peace with Great Britain, and now, in July, 1781, came evidence that steps pointing in that direction had actually been taken.

Apart from all other arguments, a good many members of Congress became convinced that there was need for a decision, and a quick one, too, before Great Britain should be enabled to drive this dangerous wedge into the states. As a further complication it appeared that the Vermonters had overstepped the boundaries of their original claim and were making encroachments upon New York on the one side and New Hampshire on the other. Accordingly on the seventh of August, 1781, Congress came to a resolution to enter into negotiations with Vermont concerning terms of admission to the Union, while at the same time offering guarantees to New York and New Hampshire with regard to the boundaries. Just one week later appeared agents of Vermont bearing a commission which authorized them "to repair to the American Congress, and to propose to and receive from them terms of an union with the United States". There followed conferences between a committee of Congress and these agents, wherein the latter were asked some pointed questions with regard to the purposes and abilities of their government. The outcome was an act of Congress, August 20, stipulating, as "an indispensable preliminary" to the recognition of Vermont and its admission to the federal union, the explicit relinquishment of "all demands of lands or jurisdiction" outside certain defined boundaries.

These acts were far from satisfying New York, and in due time they brought from that state a strong protest, while Congress, in the meantime, waited in some degree of confidence for Vermont's compliance. In December the response came. The acts of Congress in August, said the

Vermont authorities, did not comport with the propositions made to Congress by their commissioners; the question of their independence they would not submit to any power on earth; and as for those lands and jurisdictions to which Congress had alluded, Vermont had her own plan by which territorial disputes should be settled. "The laboring Oar I think", wrote Samuel Livermore, with evident satisfaction, "is on Congress to support their own honour, dignity and authority; I wish to keep it so."

For the moment Vermont had scarcely a friend left in Congress; but not for long. Not only motives of expediency, but all those political motives which had before been operating in her behalf were soon again in evidence, and a strong disposition appeared in Congress to give Vermont one more season of grace. Her advocates even endeavored to palliate the negotiations with the British, despite the fact that evidences of those intrigues continued to accumulate. The interposition of Congress, Madison confessed, seemed to be indispensable, but whether it should be by way of military coercion or renewed overtures was the much mooted question. It was a "thorny subject".

While Congress was thus debating during the early weeks of 1782 which way and what price the solution of this vexing problem, commissioners from Vermont again appeared in Philadelphia. "Some members of Congress", wrote Livermore (February 5), "are much alarmed and all are embarrassed." It presently appeared that these commissioners had come with assurances that their state had fully complied with the terms laid down by Congress in the preceding August, and with a duplicate commission empowering them, in behalf of the state of Vermont, to subscribe to the Articles of Confederation. On the assumption that this return to reason was genuine, belated though it was, many members of Congress were disposed to throw a blanket of oblivion over the past and open the arms of the Union to the newcomer. On the other hand, not only were there lingering doubts whether compliance had been genuine and complete, but there was also a contention that Vermont's original refusal had absolved Congress from its promise. These were however minor factors in the case. All the other forces of opposition now took on renewed vigor. "Some States", the Rhode Island delegates declared (April 16), "will oppose their being admitted into the federal union because it might affect the balance of power by throwing an additional weight into the eastern scale." "The true secret", wrote Madison at nearly the same time, "is that the Vote of Vermont is wished for as an auxilliary against the western claim of Virginia." To admit or not to admit had come to be less a question of Vermont's merit than of Congressional politics. New York of course, for her own good reasons, fought admission with all her might and over every inch of ground. If majorities had sufficed the decision would have gone in favor of Vermont; but it was an act which, under the Confederation, was presumed to require nine states, possibly

all. In short, Congress was not quite certain respecting the bounds of its own authority. In the middle of April, after days of bitter wrangling, the case was once more postponed. The commissioners returned to Vermont, probably sadder men, but whether wiser, events only would determine.

In September came reports that new disturbances had broken out in southeastern Vermont. Duane regarded these disturbances as not altogether unfortunate for New York, since they were likely to compel the desired interposition of Congress. In his view they were a plain omen of Vermont's sinking cause. Moreover, recent changes in the membership of Congress gave hopes of a decision favorable to New York. When, however, the committee to which the matter had been referred brought in its report (October 17) L'Hommedieu was thoroughly disgusted with it as "a Milk and Water Peace of Business", since one of its chief offerings was a pious recommendation of peace and tranquillity. The New Yorkers were as anxious as anybody for peace and tranquillity, but it was their conviction that a necessary prerequisite was decisive action on the part of Congress. What they actually obtained was further hesitation and delay. "Almost all agree", Gilman of New Hampshire wrote (November 20), "that it is absolutely necessary to make a final determination of the matter, but are at a loss to know what is best to be done." Depositions and memorials respecting the conduct of the Vermonters had however been piling up, and at last, on the fifth of December, Congress came to a resolution denouncing the proceedings of Vermont as "highly derogatory to the authority of the United States", "dangerous to the Confederacy", and requiring the "immediate and decided interposition of Congress"; and further declaring that unless full and complete restitution should be made without delay as respects both persons and property the United States would "take effectual measures to enforce a compliance" with its resolutions. The act is "in pretty Spirited Terms", said William Floyd, "and I hope will have good Effect". Here at last was an act with teeth in it, but would Congress be content with merely showing its teeth or would it use them? In any event Vermont would again appear on the Congressional carpet.

Almost from the beginning of the war members of Congress, with probably few exceptions, had deluded themselves with the belief that one more campaign would bring the contest to a fortunate conclusion. The achievements of 1780 had however not been such as to warrant hopes of decisive successes during the coming year, while financial conditions at the beginning of 1781 could scarcely bring anything but gloom and forebodings. Hope persisted nevertheless, and there were always a few members in Congress who, whatever the difficulties, never threw up their hands in despair, but strove to find a way out of the morass of defective methods, state negligence, and popular indifference. With or without reason, there was a general expectation in the spring of 1781 that the coming campaign

would be decisive. Some men were convinced nevertheless that if that decision was to be in favor of America there must be extraordinary effort on America's part, while conviction also deepened that further financial aid from France would be absolutely essential, and military and naval re-enforcements scarcely less so. Writing in the beginning of April to John Laurens, who had been sent to France to seek further desperately needed aid, Washington confided his grave apprehensions: "If France delays a timely and powerful aid in the critical posture of our affairs", he wrote, "it will avail us nothing, should she attempt it hereafter. We are suspended in the balance . . . we are at the end of our tether, now or never our deliverance must come."

New assurances from France in the closing days of May did much to relieve the gloom, but those who were wise knew well enough that America also had work to do. "Amidst all those flattering prospects", John Sullivan wrote to Washington (May 28), "we are called upon to make our last desperate Struggle to pave the way to that peace and Independance for which we have so long contended", and he expressed a faith that Congress and the states would "exert every nerve at this critical moment", and that he had no doubt of success. Washington likewise now became more hopeful. "We must not despair", he wrote to John Mathews (June 7); "the game is yet in our own hands; to play it well is all we have to do . . . A cloud may yet pass over us, . . . but certain I am, that it is in our power to bring the war to a happy conclusion."

Aside from the proffered help from France there was little else to give spring to hope. A movement toward mediation on the part of certain neutral powers had indeed brought momentary encouragement, but there appeared at the same time a danger that Great Britain would put forward a demand that peace be concluded on the basis of *uti possidetis*, which would leave the two southernmost states in possession of the enemy. In a circular letter of June 1 to the states Congress declared that it would "accept of peace upon no other terms than the independence of the thirteen United States of America in all its parts". Before the summer had ended the mediation bubble, so it appeared, had burst. But better hopes were offered. In the first days of September John Laurens returned from France with the news that precious supplies and even precious money were coming. "The affairs of the states", wrote one delegate, "never bore so prosperous an appearance as at present." It was in these same days that an eager Congress began to vision a peace, not by concession, not through mediation, but a peace won by arms. They saw with elation the troops of America and France march through the streets of Philadelphia, pressing on into Virginia in the hope of a final triumph over the enemy. As members of Congress watched from the State House door the procession of French troops, they received the royal salute. That no doubt sweetened the prospect. Sea power also was

bound to play a vital part in the coming drama, and Congress listened eagerly for news of the fleets of enemy and of friend. "We are on the eve of great events", wrote President McKean (September 4), "may God grant them to be prosperous to us, and that they may terminate in securing to us peace, liberty, and safety". He had not long to wait before one event, which promised to be great in its results, came to his knowledge; it was the junction of the two fleets of France under Comte de Barras and Comte de Grasse. Cornwallis would probably be penned in between the French and American armies on the one side and the French naval forces on the other.

Yorktown is not far from Philadelphia in terms of miles, but in terms of eighteenth-century travel it is a long, hard journey. It required from four to six days for expresses to travel the distance that lay between. On the sixteenth of October it was learned through private channels that Cornwallis had offered to capitulate but had been refused. On the same day Congress was rejoiced by the news of Greene's victory at Eutaw Springs in South Carolina. Followed four days of anxious waiting, then, at three o'clock on Monday morning, October 22, an express rode into Philadelphia with a message announcing the surrender of Cornwallis and his entire army on the nineteenth. Elias Boudinot added a hurried postscript to a letter written to his wife the day before, in order to give her this "glorious news". "God be praised!" he exclaimed. In the morning of the twenty-fourth arrived Washington's official despatches announcing the surrender. Straightway it was resolved "that Congress will, at two o'clock this day, go in procession to the Dutch Lutheran church, and return thanks to Almighty God, for crowning the allied arms of the United States and France with success". In the city were other demonstrations of joy and thanksgiving, while the pens of members became busy sending forth to their friends throughout the country their "fervent congratulations" on the glorious event.

"It is all over!", Lord North is said to have exclaimed repeatedly, when the news of the surrender reached him late in November. If that utterance could have speedily reached the ears of members of Congress it would no doubt have given them a degree of confidence, an assurance of the future, which their restricted knowledge did not permit them to feel. Nevertheless it was the almost universal conviction that Yorktown marked the end of the long struggle. "If these severe doses of ill fortune", Madison wrote October 30, "do not cool the phrenzy and relax the pride of Britain, it would seem as if Heaven had in reality abandoned her to her folly and her fate." Until, however, there should be definite assurances of peace, the army must be maintained, and Congress must continue at its tasks.

The year 1782 may well be characterized as one of standing guard while waiting on the slow negotiations of peace. It would not be true

to say that it was a period of marking time; for Congress during all these months was earnestly endeavoring, in so far as it was able, to put its house in order, to prepare for the undisputed proprietorship to which it confidently looked forward, to lay plans for the more efficient conduct of its affairs. While Congress had in previous years given much thought and almost interminable discussion to the terms on which it would be willing to make peace and had determined upon its ultimata, it must needs once more, under the conditions in which it found itself, take a new view of those ultimata and consider to what extent if at all they should be modified. It had been difficult at all times to reconcile conflicting views and interests, and it was inevitable that suppressed antagonisms, though they might smoulder for a time, would flare up again, and even new contentions thrust themselves into the foreground of Congressional discussion. It was also a question, in view of the slowness of communications, to what extent the negotiator or negotiators should be armed with discretionary powers.

One of the serious problems had been whether and how far the United States might trust their fate in the coming negotiations to their ally. In some quarters there had always existed a suspicion that France might in the end betray the United States, or at least leave them to flounder and struggle ashore as best they might. That suspicion in some measure persisted to the last. In the very beginning of the year (January 8) a motion was made "that it is now expedient that Congress should enlarge their ultimata for concluding a treaty of peace". Precisely what motive underlay this motion it is not easy to determine, but it is significant that it was defeated by an overwhelming majority. At all events it was not long before the relative parts which the two allied powers should take in the negotiations was brought forward, and this time more precise in form and also in its intent.

In June, 1781, when it seemed probable that peace negotiations would be inaugurated in consequence of the mediation of Russia and Germany, Congress had appointed ministers to conduct the negotiations on the part of the United States and had instructed them, first of all, to accede to no treaty of peace which should not "effectually secure the independence and sovereignty of the thirteen states" or should not leave the treaties with France "in their full force and validity"; and, deeming it "unsafe, at this distance", to tie them up "by absolute and peremptory directions" beyond these two essential requirements, "to make the most candid and confidential communications upon all subjects to the ministers of our generous ally, the King of France; to undertake nothing in the negotiations for peace or truce without their knowledge and concurrence; and ultimately to govern yourselves by their advice and opinion".

There were not wanting those who believed in the wisdom of entrusting the negotiations to one person, but it was characteristic of Congress that

the decision was in favor of numbers. A considerable minority had also strenuously endeavored to eliminate the provision which subjected the American negotiators to the "leading strings" of France. "Blush! Blush! America", exclaimed James Lovell, writing to John Adams (June 21). "Consult and ultimately concur in every thing with the Ministers of his Most Christian Majesty, the Independence of the United States according to the Tenor of our alliance kept sole ultimatum!"

In April, 1782, it began to appear that negotiations for peace were about to be entered upon but that Great Britain was seeking to drive a wedge between the allies, with a view to making peace with them separately; that she even harbored a thought of once more endeavoring to subdue her former colonies. Luzerne, the minister of France, more than once reiterated "in strong terms" the resolution of his king "to adhere to the principles of the alliance, and to form no treaty of peace which does not secure to the United States the object of it"; and Congress, in response, reaffirmed its own purpose to conduct the negotiations "in confidence and in concert with his Most Christian Majesty".

Notwithstanding these mutual assurances, it can scarcely be gainsaid that there was some lack of confidence both on the one side and on the other. When, on the thirteenth of May Congress staged an elaborate reception for the minister of France in order that he might present to the United States in Congress assembled a letter from his Most Christian Majesty announcing the birth of a dauphin, "it was deemed politic at this crisis", Madison declared, "to display every proper evidence of affectionate attachment to our Ally". Not all the members of Congress however were sincere in these professions of affectionate attachment, and some of them were not averse to expressions and even measures of a contrary character. In the closing days of July Congress received assurances (official announcement came some days later) that the United Provinces had recognized the independence of the United States. "The news from Holland", Madison wrote, "has much emboldened the enemies of France. Doctor Lee declared that it might be considered as the epoch of our emancipation." Lee was planning, so Madison indicated, to exclude Franklin and Jay from the negotiations and "to withdraw the others from the direction of France". Madison wrote on July 23. The next day Lee offered a motion, seconded by Jackson of Massachusetts, "that the Commission of the 15th June, 1781, appointing Ministers Plenipotentiary to negotiate a Treaty of Peace with Great Britain, together with the instructions given to the said Commissioners, be reconsidered". Secretary Thomson preserved some notes of the debates on the motion, but he refrained from making any record whatever of the matter in the *Journals*. From these notes we learn that the motion was combated chiefly by Madison, who records (letter of July 30) that "an adjournment arrested the debate". Meanwhile a discouraging letter from Jay respecting his negotia-

tions in Spain added "fresh leaven to the antigallic ferment", and on August 5 the motion was renewed. "It was again suspended by an adjournment", wrote Madison the same day, "but it will be renewed and pressed for a decision." Writing to Samuel Adams August 6 Arthur Lee declared that "the perilous and humiliating situation we are in touching the Negotiation for Peace" alarmed him. On the eighth of August he and his fellow antigallicans once more renewed their motion, whereupon a debate ensued which was not only heated, but was prolonged through a good many days, drawing in other elements pertaining to the conditions of a peace settlement. Again it is chiefly to Secretary Thomson's notes of debates and to some hitherto unpublished (and undeciphered) letters of Madison that we owe our knowledge of the proceedings in Congress; and again it was Madison who bore the brunt of defense. The motion, says Madison (August 20), "was parried by a substitute so expressed as to give a committee sufficient latitude in reporting without implying on the part of Congress a design to alter past instructions". Nevertheless he surmised that "a new struggle" would ensue against "the obnoxious clause". Meanwhile negotiations of a sort were proceeding, although Congress, as a rule, could learn of one stage of them only after they had passed into another. Intimations that Great Britain might endeavor to make peace with her enemies separately, or might even renew the war, continued to appear, but upon the whole they aroused no serious forebodings. "We apprehend", wrote the North Carolina delegates (August 19), "that nothing but vigorous and persevering exertions on our part to convince the enemy of our ability to continue the *leaden* argument will compel them to make those offers of peace seriously which 'tis probable they are now making insidiously." "They will be much disappointed", wrote Gilman of New Hampshire (August 15), "if they expect a separate peace with America." Again he wrote, "Our Independence and the Alliance with France must go Hand in Hand". "If they are Determined", he wrote at another time, "to have Thirteen States under their Subjection, they may as well seek for them in the Moon, as Endeavour to regain these United States." "I flatter myself", said Middleton of South Carolina (September 17), "that their present Delirium will soon have a Crisis, and they will once more come to their sober senses."

On September 24 Luzerne laid before Congress an account of the progress of the peace negotiations, and in response Congress, on the fourth of October, resolved "*unanimously*", that it would "inviolably adhere" to the alliance with France, that it would "conclude neither a separate peace or truce with Great Britain", but that it would "prosecute the war with vigor, until, by the blessing of God on the united arms, a peace shall be happily accomplished, by which the full and absolute sovereignty and independence of these United States, having been duly assured,

their rights and interests, as well as those of their allies shall be effectually provided and secured "; and, further, " that Congress will not enter into the discussion of any overtures for pacification but in confidence and in concert with his Most Christian Majesty ".

Toward the end of the month Congress learned that the British minister at Brussels, Alleyne Fitzherbert, had been commissioned to conclude a treaty of peace; but the satisfaction which this news might have given was largely nullified by the fact that the stiff-necked king had refused to name the United States except in vague and general terms. That intelligence, when it reached these shores, was already nearly three months old, and much might have happened—much had in fact happened—in the interval. The flurry soon passed, and in mid-December Congress learned that on the twenty-first of September a commission had been issued to Richard Oswald authorizing him to treat with commissioners of the " Thirteen United States of America ". This intelligence, as Madison wrote (December 17), had come " in obscure fragments ", but on the twenty-third it was confirmed by official despatches. " The Rubicon is therefore Past ", wrote President Boudinot.

Congress would not know for a good many weeks that already, on the thirtieth of November, preliminary articles of peace had been signed; yet even so, as the year 1782 drew to its close, there were high hopes among the members of that assembly that the new year would bring permanent peace, with a cessation of many of those tribulations that throughout the long war had so grievously beset them. On the morrow, on that Christmas Day of 1782, the thought of peace must have given them a meed of comfort such as they had not known these seven toilsome and tormenting years. * * * * Yes, peace with the outside world; but what of that domestic peace and tranquillity for which they yearned and so earnestly strove? Alas! all was not well at home. At that moment there was an ominous rumble as of threatening storm from the direction of the army. The independence of the United States had indeed been won, but there were other goals that must yet be conquered; other, even greater, problems that remained to be solved. The United States of America had won place and title among the nations of the world, but the states were yet to become, in very truth, *united*.

EDMUND C. BURNETT.

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LIST OF MEMBERS.

CONNECTICUT.

Andrew Adams.

Elected: (See vol. V.); May 10, 1781 ("according to Law", i. e., for the year beginning the first Monday of November).

Did not attend in 1781 or 1782.

Adams resigned, and on Jan. 10, 1782, Eliphalet Dyer was chosen in his place.

Eliphalet Dyer.

Elected: (See vol. V.); Jan. 10, 1782 (in the place of Andrew Adams, "untill the first Monday in November next"); Oct. 10, 1782 ("for the year ensuing, to commence on the first Monday in November next").

Attended: June 3 to Nov. 11, 1782 (see p. 537).

Oliver Ellsworth.

Elected: (See vol. V.); May 10, 1781; May 9, 1782 ("according to Law").

Attended: June 4 to Aug. 20 (or later), 1781; Dec. 20-31, 1782.

Ellsworth's last recorded vote in 1781 was on Aug. 20. He had taken his departure before Aug. 28 (see pp. 183, 200).

Benjamin Huntington.

Elected: (See vol. V.); May 10, 1781; May, 9, 1782.

Attended: June 3 to Nov. 8, 1782 (see p. 537).

Samuel Huntington.

Elected: (See vol. V.); May 10, 1781; May 9, 1782.

Attended: Mar. 1 to July 10, 1781.

Huntington resigned the presidency July 6, and was succeeded July 9 by Samuel Johnston, who declined and was in turn succeeded, July 10, by Thomas McKean.

Richard Law.

Elected: (See vol. V.); May 10, 1781; May 9, 1782.

Attended: Oct. 22, 1781, to May 16 (or later), 1782 (see p. 338n.).

Jesse Root.

Elected: (See vol. V.); May 10, 1781; May 9, 1782.

Attended: Mar. 1 to Apr. 14, 1781; May 7-27; July 15 to Aug. 23 (or later), 1782.

Root's last recorded vote in 1781 is Apr. 14, and he probably did not attend afterward. May 22, 1782, he was appointed on the deputation to the eastern states, departed May 27 or 28, and returned July 15.

Roger Sherman.

Elected: (See vol. V.); May 10, 1781 (in the place of Titus Hosmer, deceased).

Attended: June 4 to Nov. 4, 1781.

Jedediah Strong.

Elected: May 9, 1782.

Did not attend.

Oliver Wolcott.

Elected: (See vol. V.); May 10, 1781; May 9, 1782.

Attended: Mar. 1 to Apr. 13; Nov. 16, 1781, to Apr. 29 (or later), 1782; Dec. 20-31, 1782.

Wolcott signed a letter of Apr. 29, wherein it was indicated that he was on the point of departure.

DELAWARE.

Philemon Dickinson.

Elected: Feb. 2, 1782 ("for the present year").

Attended: Feb. 22 to July 19 (or later); Oct. 28 (or earlier) to Nov. 2 (?), 1782.

Only one reference in the *Journals* (May 29) indicates Dickinson's presence between May 16 and June 25; he may therefore have been absent some part of that period. A report Nov. 5 by a committee of which he was a member is not evidence that he attended beyond the end of the Congressional year.

Thomas McKean.

Elected: (See vol. V.); Feb. 2, 1782.

Attended: Mar. 1 to Apr. 12 (or later); June 13 (or earlier) to Nov. 5, 1781; Feb. 14 to Apr. 2; June 10 (or earlier) to Sept. 20 (or later); Oct. 28 (or earlier) to Dec. 31, 1782.

McKean was elected President of Congress July 10, 1781, and held that office until the beginning of the next Congressional year, Monday Nov. 5. Strictly speaking his services as president ended on Saturday Nov. 3. In addition to the gaps indicated in his attendance in 1782 there were probably other occasional absences.

Caesar Rodney.

Elected: Feb. 2, 1782.

Did not attend in 1782 (see p. 299n.).

There is no evidence that Rodney attended at any time during the year. The "Mr. Rodney" mentioned in the *Journals* Feb. 19 and Mar. 1 as a member of a grand committee was no doubt Thomas Rodney, as indicated in the text of the *Journals*, although the index assigns these references to Caesar Rodney. For earlier attendance see vols. I. and II.

Thomas Rodney.

Elected: See vol. V.

Attended: Mar. 1-10; Apr. 11-18 (or later); May 2 (or earlier)-8 (or later); June 14 (or earlier) to July 12 (or later), 1781; Jan. 28 to Feb. —, 1782.

Van Dyke's letter of Apr. 23, 1781 (no. 74), indicates that he and Rodney, both then absent, contemplated returning a few days later. Rodney is not mentioned in the *Journals* until May 8, when he was appointed on a committee, but he probably accompanied Van Dyke some days earlier. Between May 8 and June 14 (see no. 157) there is no record of his presence. In 1782 he was not, apparently, present Feb. 14 when the Delaware credentials of Feb. 2, 1782, were read. He probably took his departure as soon as he learned that he had not been re-elected.

Nicholas Van Dyke.

Elected: See vol. V.

Attended: Mar. 21 to Apr. 6 (or later); May 2 (or earlier)-10 (or later); July 26 to Aug. 20 (or later), 1781.

From May 14 to June 13, inclusive, no Delaware delegate is recorded as voting (cf. no. 116). See also under Thomas Rodney.

Samuel Wharton.

Elected: Feb. 2, 1782.

Attended: Feb. 25 to Sept. 10 (or later); Oct. 14 (or earlier) to Dec. 5 (or later); Dec. 21 (or earlier)-31, 1782.

GEORGIA.

William Few.

Elected: (See vol. V.); Aug. 17, 1781 ("until the first Tuesday in January next, and from thence until others shall be legally appointed"); Feb. 10, 1782 ("until the first Tuesday in January one thousand seven hundred and eighty three").

Attended: Mar. 1 to July 18, 1781; May 1 to Oct. 3 (or later), 1782.

The election in 1781 was on Aug. 17 but the commission is dated Aug. 27.

Similarly, the date Feb. 10, 1782, is that of the governor's signature; the date of the election is not given in the credentials.

Richard Howly.

Elected: See vol. V.

Attended: Mar. 1 to June 18 (or later); July 7 (or earlier) to Sept. 21, 1781.

Between June 18 and July 7 three yeas and nays are recorded (June 25, 29, and July 6), in none of which did Howly vote.

Noble Wimberly Jones.

Elected: Aug. 17, 1781; Feb. 10, 1782.

Attended: Sept. 27, 1781, to Nov. 2, 1782.

For earlier election see vol. I.

Samuel Stirk.

Elected: Aug. 17, 1781.

Did not attend.

Edward Telfair.

Elected: (See vol. V.); Aug. 17, 1781; Feb. 10, 1782.

Attended: Sept. 17, 1781, to Sept. 10 (or later), 1782.

George Walton.

Elected: See vol. V.

Attended: Mar. 1 to Sept. 27, 1781.

Walton evidently withdrew when Noble Wimberly Jones arrived, although he did not leave Philadelphia until after Oct. 13, when he obtained a grant of money.

MARYLAND.

Daniel Carroll.

Elected: (See vol. V.); Nov. 28, 1781; Dec. 10, 1782 ("for the ensuing year").

Attended: Mar. 1, 1781, to May 9 (or later), 1782; Aug. 28 to Dec. 31, 1782.

The election of Feb. 3, 1781 (see vol. V.), was for the year 1781; that of Nov. 28, 1781, does not specify the time-limit. Maryland's election of delegates continued to be somewhat irregular.

Samuel Chase.

Elected: Nov. 28, 1781.

Did not attend in 1781 or 1782.

For earlier attendance see vols. I-III.

John Hanson.

Elected: (See vol. V.); Nov. 28, 1781.

Attended: Mar. 1, 1781, to Nov. 4, 1782.

Hanson was elected President of Congress Nov. 5, 1781, and served for one year. He was enrolled as in attendance Monday Nov. 4, 1782 (the beginning of the new Congressional year), but does not appear to have attended after that day. From about the middle of April to the middle of May, 1782, Hanson was absent from Congress on account of illness.

William Hemsley.

Elected: June 15, 1782 (no time-limit prescribed).

Attended: Sept. 28 to Nov. 20 (or later), 1782.

Daniel of St. Thomas Jenifer.

Elected: See vol. V.

Attended: May 14 to Nov. 5, 1781.

Richard Potts.

Elected: See vol. V.

Attended: June 12 to July 24 (or later), 1781.

Turbutt Wright.

Elected: Nov. 28, 1781.

Attended: Apr. 29 to July 2 (or later); Aug. 19 to Oct. 15 (or later), 1782.

Wright was probably in attendance until about the middle of July (he did not vote July 16-31), for Gilman wrote Aug. 5 (no. 576), "One of the delegates of Maryland [Wright] went home a few Days ago".

MASSACHUSETTS.

Samuel Adams.

Elected: See vol. V.

Attended: Mar. 1 to Apr. 26 (or later), 1781.

Adams had probably taken his departure before May 8, 1781 (see no. 100).

Elbridge Gerry.

Elected: See vol. V.

Did not attend in 1781.

Nathaniel Gorham.

Elected: Oct. 24, 1782 ("until the fifth day of November 1783").

Attended: Dec. 12-31, 1782.

Samuel Holten.

Elected: See vol. V.

Did not attend in 1781.

Jonathan Jackson.

Elected: May 2, 1782 ("until the fifth day of November 1782").

Attended: July 3 to Nov. 5, 1782.

James Lovell.

Elected: (See vol. V.); June 22, 1781 ("one Year, to commence on the first Monday of November next").

Attended: Mar. 1, 1781, to Jan. 23, 1782; Apr. 3-16, 1782.

The credentials of Oct. 4, 1780, empowered all delegates under that election to hold their seats through the year 1781, but those of June 22, 1781, made the delegation year correspond to the new Congressional year.

John Lowell.

Elected: May 7, 1782.

Attended: May 20 to Aug. 2 (or later), 1782.

The date given for the election is that of the certificate of Secretary John Avery. Lowell and Sullivan were chosen in place of Samuel Adams and Artemas Ward, who had resigned. Lowell was granted leave of absence Aug. 2, but did not take his departure until Aug. 6 (see no. 583).

Samuel Osgood.

Elected: Feb. 14, 1781 ("until the first day in November next"); June 22, 1781 (see under Lovell); June 6, 1782 ("One Year, to Commence on the first Monday in Novr. next").

Attended: June 12, 1781, to Dec. 31, 1782.

The words "first day in November" are of course an inadvertence for first Monday in November. The term of Osgood's election Feb. 14, 1781, appears to have been the first adaptation of the delegation year to the new Congressional year, as presented in the Articles of Confederation, and the action was taken before the actual adoption of the Articles.

George Partridge.

Elected: (See vol. V.); June 22, 1781.

Attended: June 12, 1781, to May 20, 1782.

Partridge's election Oct. 4, 1780, like that of Lovell, was for the year 1781, and that of June 22, 1781, made the same adaptation in his case.

James Sullivan.

Elected: May 7, 1782 (see under Lowell).

Did not attend in 1782.

Artemas Ward.

Elected: See vol. V.

Attended: Mar. 1 to June 14, 1781.

NEW HAMPSHIRE.

Benjamin Belknap.

Elected: Jan. 19, 1781 ("for one year from the date hereof unless sooner recalled or relieved").

Did not attend.

John Taylor Gilman.

Elected: Jan. 15, 1782 ("until the first day of November next, unless sooner relieved or recalled"); Sept. 14, 1782 ("for one year from this date unless sooner relieved or recalled").

Attended: June 20 to Dec. 31, 1782.

Woodbury Langdon.

Elected: Nov. 10, 1780; Dec. 29, 1781 ("until the first day of November next, unless sooner relieved or recalled").

Did not attend in 1781 or 1782.

For Langdon's appointments see *N. H. State Papers*, VIII. 879, 923. For earlier attendance see vol. IV.

Samuel Livermore.

Elected: (See vol. V.); Jan. 19, 1781; Dec. 29, 1781.

Attended: May 14 to Oct. 11 (or later); Oct. 30, 1781, to Apr. 29, 1782.

Livermore says Oct. 30 (no. 367) that he had been absent for several days on account of illness. He did not vote Oct. 15.

John Sullivan.

Elected: See vol. V.

Attended: Mar. 1 to Aug. 10 (or later), 1781 (see nos. 236, 253).

Timothy Walker.

Elected: Jan. 15, 1782.

Did not attend.

No credentials for Walker were presented, but his election is recorded in *N. H. State Papers*, VIII. 929. For earlier election see vol. IV.

Phillips White.

Elected: Sept. 13, 1782 ("for one year from this date unless sooner relieved or recalled").

Attended: Nov. 4 to Dec. 31, 1782.

NEW JERSEY.

Elias Boudinot.

Elected: July 12, 1781 ("until the fifth day of November next, unless a new appointment shall sooner take place"); Nov. 2, 1781 (until Nov. 5, 1782, "unless a new appointment shall sooner take place"); Oct. 30, 1782 (until Nov. 5, 1783, "unless a new appointment shall sooner take place").

Attended: July 23 to Nov. 9, 1781; Jan. 8 (or earlier) to June 25 (or later); Sept. 14 (or earlier) to Dec. 31, 1782.

Boudinot and Elmer were elected July 12, 1781, in place of William Paterson and William Burnet. For earlier attendance see vol. III. Boudinot was elected President of Congress Nov. 4, 1782, and served one year.

William Burnet.

Elected: See vol. V.

Did not attend after February 1781.

Abraham Clark.

Elected: (See vol. V.); Nov. 2, 1781; Oct. 30, 1782.

Attended: Mar. 1 to May 24; Sept. 24, 1781, to Sept. 25 (or later), 1782; Nov. 18 to Dec. 31, 1782.

Silas Condict.

Elected: Nov. 2, 1781; Oct. 30, 1782.

Attended: Dec. 3, 1781, to May 9 (or later), 1782; June 25 (or earlier) to Oct. 18 (or later), 1782.

Jonathan Elmer.

Elected: July 12, 1781 (see under Boudinot); Nov. 2, 1781; Oct. 30, 1782.

Attended: July 25 to Aug. 22 (or later); Oct. 1-26 (or later); Dec. 24, 1781, to Jan. 9 (or later), 1782; Apr. 8 (or earlier)-20 (or later); Dec. 13-31, 1782.

Frederick Frelinghuysen.

Elected: Oct. 30, 1782.

Did not attend in 1782.

William Churchill Houston.

Elected: (See vol. V.); Nov. 2, 1781.

Attended: Mar. 21-30; Apr. 13 (or earlier)-30 (or later); May 26 (or earlier) to June 29 (or later); Nov. 28 to Dec. 14 (or later), 1781; did not attend in 1782.

About the first of July Houston became seriously ill (see pp. 141n., 239n.).

John Witherspoon.

Elected: (See vol. V.); May 30, 1782 ("until the fifth day of November next").

Attended: Mar. 1-5 (or later); Mar. 30 (or earlier) to Apr. 6 (or later); May 4 (or earlier) to June 29 (or later); July 20 (or earlier)-24 (or later); Aug. 16 (or earlier) to Sept. 12 (or later); Oct. 22 (or earlier)-27 (or later), 1781; June 12 to Nov. 4, 1782.

Witherspoon may have had other absences than those indicated, as there are frequent brief gaps in his record.

NEW YORK.

Egbert Benson.

Elected: Oct. 26, 1781 ("for the ensuing year").

Did not attend in 1781 or 1782.

James Duane.

Elected: (See vol. V.); Oct. 26, 1781; July 22, 1782 ("for one year from the first Monday in November next").

Attended: Mar. 1 to May 2; July 31 to Oct. 8 (or later), 1781; June 24 to Nov. 27, 1782.

William Floyd.

Elected: (See vol. V.); Oct. 26, 1781; July 22, 1782.

Attended: Mar. 1-22; Nov. 23, 1781, to May 15 (or later), 1782; Nov. 27 to Dec. 31, 1782.

Alexander Hamilton.

Elected: July 22, 1782.

Attended: Nov. 25 to Dec. 31, 1782.

Ezra L'Hommedieu.

Elected: (See vol. V.); Oct. 26, 1781; July 22, 1782.

Attended: July 31 to Oct. 8 (or later), 1781; Aug. 28 to Nov. 27, 1782.

Alexander McDougall.

Elected: See vol. V.

Did not attend after February 1781.

McDougall having been chosen secretary at war Feb. 27, discontinued his attendance in Congress and, although he presently declined the secretaryship, he did not resume his seat.

John Morin Scott.

Elected: (See vol. V.); Oct. 26, 1781; July 22, 1782.

Attended: Feb. 14 to Aug. 28, 1782.

Duane wrote Aug. 20 (no. 598) that Scott would depart when L'Honmedieu arrived.

NORTH CAROLINA.

William Blount.

Elected: May 13, 1782 ("for and during One Year after date hereof").

Attended: July 22 to Nov. 14 (or later); Dec. 2 (or earlier)-31, 1782.

Ephraim Brevard.

Elected: July 12, 1781 ("for one year").

Did not attend.

Thomas Burke.

Elected: See vol. V.

Attended: Mar. 1 to Apr. 12, 1781.

Benjamin Hawkins.

Elected: July 14, 1781 ("for one year"); May 13, 1782.

Attended: Oct. 4, 1781, to Mar. 1 (or later), 1782; Dec. 21-31, 1782.

Samuel Johnston.

Elected: (See vol. V.); July 12, 1781.

Attended: Mar. 1 to July 13 (?), 1781.

Johnston obtained leave of absence July 10, last voted on July 12, and took his departure July 14 (see no. 221). On July 9 he was elected President of Congress but declined the next day.

Abner Nash.

Elected: May 13, 1782.

Attended: Nov. 4 to Dec. 31, 1782.

William Sharpe.

Elected: (See vol. V.); July 12, 1781.

Attended: Mar. 1 to Oct. 1, 1781.

Sharpe obtained a grant of money Oct. 1, the day he had set for his departure (see no. 308), and there is no further record of his attendance. He may however have remained until the arrival of Hawkins, Oct. 4.

Hugh Williamson.

Elected: May 13, 1782.

Attended: July 19 to Dec. 31, 1782.

PENNSYLVANIA.

Samuel John Atlee.

Elected: (See vol. V.); Nov. 21, 1781 (no specified term).

Attended: Mar. 1-6 (or later); Apr. 14 (or earlier) to June 18 (or later); Aug. 17 (or earlier) to Dec. 3 (or later), 1781; Jan. 21 (or earlier) to July 12 (or later); Aug. 15 (or earlier) to Oct. 28 (or later), 1782.

Atlee appears to have been named on a committee July 12, 1782; otherwise no positive evidence appears that he attended between June 17 and Aug. 15. Occasional reports of committees of which he was a member do not necessarily imply his presence.

George Clymer.

Elected: (See vol. V.); Nov. 21, 1781.

Attended: Mar. 3 to Oct. 26 (or later); Dec. 4 (or earlier), 1781, to May 24, 1782; June 27 to Nov. 8, 1782.

Clymer had attended Feb. 28 but was not present at the first session after the ratification of the Articles of Confederation. He is therefore recorded in the *Journals* as attending Mar. 3, 1781.

May 22, 1782, Clymer was appointed (with John Rutledge) on a deputation to Pennsylvania and the southern states and was accordingly absent from Congress from May 24 to June 27. Between Friday Nov. 8 and Tuesday Nov. 12, 1782, there appears to have been no session of Congress. On the 12th there was a new election of delegates, in which Clymer was omitted, although none of the new delegation attended until Nov. 18.

Thomas Fitzsimmons.

Elected: Nov. 12, 1782 (no term specified).

Attended: Nov. 18 to Dec. 31, 1782.

Thomas Mifflin.

Elected: Nov. 12, 1782.

Attended: Nov. 20 to Dec. 12 (or later), 1782.

John Montgomery.

Elected: Nov. 12, 1782.

Attended: Dec. 18-31, 1782.

Joseph Montgomery.

Elected: (See vol. V.); Nov. 21, 1781.

Attended: Mar. 19 (or earlier) to May 14 (or later); June 9 to Aug. 10 (or later); Sept. 13 (or earlier), 1781, to Mar. 22 (or later), 1782; Apr. 15 (or earlier) to May 24; July 15 to Oct. 10 (or later); Oct. 28 (earlier and later ?), 1782.

There are no recorded votes between Apr. 14 and May 14, 1781, nor thereafter until June 2; therefore there may have been absences untraceable. May 22, 1782, Montgomery was appointed (with Jesse Root) on a deputation to the eastern states and was accordingly absent from Congress from May 24 to July 15. Between Oct. 10 and 28, 1782, he is not recorded as voting, although he appears to have been appointed on a committee Oct. 15.

Richard Peters.

Elected: Nov. 12, 1782.

Attended: Nov. 18 to Dec. 31, 1782.

Thomas Smith.

Elected: (See vol. V.); Nov. 21, 1781.

Attended: Mar. 1-20 (or later); May 14 (or earlier) to July 26 (or later); Aug. 10; Aug. 20 (or earlier) to Nov. 22 (or later), 1781; Feb. 4 (or earlier) to Nov. 8, 1782 (see note under Clymer).

Thomas Smith the delegate is distinguished in the credentials as "of the County of Bedford". The *Journals* record under Aug. 1, 1781, that Smith was unable on account of sickness to attend the treasury board. Arthur Lee indicates (p. 176n.) that he had been injured in a fall and that, although not yet recovered, he was brought into Congress Aug. 10 in order to cast his vote for Robert R. Livingston as secretary for foreign affairs.

James Wilson.

Elected: Nov. 12, 1782.

Did not attend in 1782.

For earlier attendance see vols. I. and II.

Henry Wynkoop.

Elected: (See vol. V.); Nov. 21, 1781.

Attended: Mar. 1-16 (or later); Mar. 30 (or earlier) to Apr. 6 (or later); Nov. 28, 1781, to Jan. 15 (or later), 1782; June 17 (or earlier) to July 1 (or later); July 26-(earlier and later?); Nov. 2-8, 1782 (see note under Clymer).

RHODE ISLAND.

Jonathan Arnold.

Elected: May 1, 1782 ("for One Year and until another should appear to take his Seat").

Attended: Oct. 10 to Dec. 31, 1782.

Arnold arrived Oct. 5 (see no. 640) but did not take his seat until the 10th.

John Collins.

Elected: (See vol. V.); May 1, 1782.

Attended: Dec. 12-31, 1782.

Ezekiel Cornell.

Elected: (See vol. V.); May 2, 1781 (for one year).

Attended: Nov. 19, 1781, to Sept. 18, 1782.

Cornell was chosen to the board of war Dec. 29, 1780, and remained on the board until Nov. 19, 1781, when he took his seat in Congress.

Although the credentials of May 2, 1781 (in the *Journals*, July 20), specify "for one year", the Rhode Island credentials usually contain an additional clause such as "and until another shall appear to take his place". Cornell's retention of his seat beyond one year was evidently under this provision.

The letter of Cornell dated at Scituate, Rhode Island, Sept. 16 (quoted at p. 495n.), was either written at Philadelphia or is erroneously dated, for he is recorded as voting in Congress Sept. 18.

William Ellery.

Elected: (See vol. V.); May 2, 1781.

Attended: Nov. 19, 1781, to June 6, 1782.

Ellery arrived on Friday Nov. 16 (see no. 385) and took his seat on Monday following. He evidently took his departure upon the arrival of Howell.

David Howell.

Elected: May 1, 1782.

Attended: June 7 to Dec. 31, 1782.

Daniel Mowry.

Elected: (See vol. V.); May 2, 1781.

Attended: July 20 to Nov. 16, 1781.

Mowry and Varnum withdrew when Ellery and Cornell attended.

James Mitchell Varnum.

Elected: (See vol. V.); May 2, 1781.

Attended: Mar. 1 to Nov. 16, 1781.

See note under Mowry.

SOUTH CAROLINA.

Thomas Bee.

Elected: (See vol. V.); Oct. 4, 1781 ("for one year next ensuing" from the first Monday in November next).

Attended: Mar. 5 (or earlier), 1781, to May 1, 1782.

Between Oct. 17 and 30, 1781, there is no record of Bee's attendance (he is not recorded as voting Oct. 25 and 28), therefore he may have been absent some part of this time. He evidently withdrew before the appearance of Rutledge, Ramsay, and Middleton, May 2, 1782.

Nicholas Eveleigh.

Elected: (See vol. V.); Oct. 4, 1781.

Attended: Apr. 25, 1781, to Mar. 22 (or later), 1782.

John Lewis Gervais.

Elected: Jan. 31, 1782 (no term specified, but see note below).

Attended: July 1-5 (or later); July 31 (earlier and later ?); Aug. 14 to Nov. 20 (or later); Dec. 12 (or earlier)-31, 1782.

Edward Rutledge wrote to Arthur Middleton Feb. 8 that he obtained the insertion in the resolution of appointment a provision that those in Philadelphia should be continued until a sufficient number to represent the state should arrive (see p. 307n.).

Ralph Izard.

Elected: Jan. 31, 1782.

Attended: June 7 to Dec. 31, 1782.

Francis Kinloch.

Elected: (See vol. V.); Oct. 4, 1781.

Did not attend in 1781 or 1782.

Henry Laurens.

Elected: (See vol. V.); Oct. 4, 1781.

During the entire period of this volume Laurens was abroad.

John Mathews.

Elected: (See vol. V.); Oct. 4, 1781.

Attended: Mar. 1 to Nov. 5 (or later); Dec. 4 (or earlier)-21, 1781.

Arthur Middleton.

Elected: (See vol. V.); Oct. 4, 1781; Jan. 31, 1782.

Attended: Sept. 24, 1781, to Oct. 15, 1782.

Middleton was doubtless absent a few days between Aug. 20 and 29 (see no. 602).

Isaac Motte.

Elected: (See vol. V.); Oct. 4, 1781.

Attended: Mar. 1 to Aug. 2 (or later); Sept. 21 (or earlier), 1781, to Apr. 3, 1782.

Motte obtained leave of absence Apr. 3 and ceased attendance in Congress, although he did not leave Philadelphia until Apr. 7 (see p. 342n.).

David Ramsay.

Elected: Jan. 31, 1782.

Attended: May 2 to Dec. 31, 1782.

Ramsay may have been absent between Nov. 4 and 19. At all events he did not vote Nov. 6, 8, and 14.

John Rutledge.

Elected: Jan. 31, 1782.

Attended: May 2-25; June 27 to Dec. 6 (or later); Dec. 21 (or earlier)-31, 1782.

Rutledge was appointed May 22 on a deputation (with George Clymer) to visit Pennsylvania and the states southward and was absent on that mission from about May 27 to June 27. For earlier attendance see vols. I. and II.

VIRGINIA.

John Blair.

Elected: June 14, 1781 ("for one Year from the first Monday in November next").

Did not attend

Theodorick Bland, jr.

Elected: (See vol. V.); June 14, 1781; June 15, 1782 ("for one Year from the first Monday in November next").

Attended: Mar. 1 to Oct. 11, 1781; Apr. 15 to Oct. 15 (or later); Oct. 28 (or earlier) to Nov. 12 (?), 1782.

Between Oct. 15 and 28, 1782, Bland was absent some days on account of sickness (see p. 514n.). His last recorded attendance is Tuesday Nov. 12. He did not vote Nov. 14, and Madison states that he took his departure Nov. 15 (no. 690).

Joseph Jones.

Elected: (See vol. V.); June 14, 1781; June 15, 1782.

Attended: Mar. 1-22; May 14 (or earlier), 1781, to May 1, 1782; Sept. 5 to Oct. 18 (or later); Nov. 18 to Dec. 31, 1782.

Madison mentions Oct. 22 (p. 514n.) that Jones was ill, and on Nov. 19 (p. 546) that he "returned yesterday".

Arthur Lee.

Elected: Dec. 28, 1781 ("until the first Monday in November next");
June 15, 1782.

Attended: Feb. 19 to Apr. 20 (see no. 482); June 27 to Oct. 4, 1782.

James Madison.

Elected: (See vol. V.); June 14, 1781; June 15, 1782.

Attended: Mar. 1, 1781, to Dec. 31, 1782.

Edmund Randolph.

Elected: June 14, 1781.

Attended: July 16, 1781, to Mar. 15, 1782.

Randolph took his departure Mar. 18 (probably; see pp. 317, 318). Dec. 10, 1782, he offered his resignation (see p. 559n.). For earlier attendance see vol. IV.

Meriwether Smith.

Elected: See vol. V.

Attended: Mar. 1 to Sept. 3 (?), 1781.

Smith obtained leave of absence Aug. 31. He is nevertheless recorded as having been placed on the committee of the week Monday Sept. 3, although there is no other indication of his attendance during that week.

14

I. THOMAS RODNEY TO MRS. RODNEY.¹

PHILADA. March 1, 1781.

Sir,²

I wrote a few lines this morning and just sett down now to Tell you that the Grand Confederation of the States was this day Completed. At Ten O'Clock we had a colation at the President of Congress's and at five I dined at Mr. McKean's with the President and Vice President of this State and a number of members of Congress and Other Gentlemen and this evening we had a grand exhibition of fire works at the State House, and another on board of Paul Jones Ship—and indeed all the day has been spent in rejoicing.

Expect to go out to board tomorrow and in a few days after according to his custom, shall probably be waited on by the Minister of France—so that you see a Member of Congress is now no small Man and yet I feel no Change in my self, and all these flattering enjoyments would be too weak to keep me here if the laws of My Country did not coincide with them

THOMAS RODNEY

2. THOMAS RODNEY, DIARY.¹

[March 1, 1781.]

On thursday being the first of March the Confederation of the United States was finally established in Congress to be perpetual, being first Considered and acceded to by the Legislatures of all the States—by a Signal given at the State House the Completion of this grand Union and Confederation was announced by Firing thirteen Cannon on the Hill And the same number on board Captn. Paul Jones Frigate in the Harbour. At Two O'Clock the Members of Congress, the Members of the General assembly of Pensylvania, the President and Council of that State, the officers of the Army in Town, the officers of state and a great number of Gentlemen waited on the President of Congress to Congratulate him on this occasion; and partook of a Collation prepared at his House for that purpose. In the evening there was a grand exhibition of fireworks at the State House, and also on board Paul Jones Frigate in the Harbour, and all the vessels in the Harbour were Decorated and illuminated on this occasion and great joy appeared in every Countenance but those of the Disaffected.²

[1]¹ Copied from the original, then in the possession of Mr. Stan. V. Henkels of Philadelphia (see Henkels, *Catalogue*, no. 1328, item 334); Henkels, *Catalogue*, no. 683, item 270.

² Such (if the copyist has not erred) is the salutation; nevertheless the letter is addressed, "Mrs. Elizabeth Rodney Wilmington by John".

[2]¹ Library of Congress, Rodney Papers.

² There is an account of the celebration in the *Pennsylvania Packet* of Mar. 3 and also in the *Pennsylvania Gazette* of Mar. 7. The *Packet* says:

"THURSDAY, the first of March, will be a day memorable in the annals of America to the latest posterity, for the final ratification in Congress of the articles of confederation and perpetual union between these states.

3. THE PRESIDENT OF CONGRESS (SAMUEL HUNTINGTON) TO THE SEVERAL STATES.¹

Circular.

PHILADELPHIA March 2, 1781.

Sir,

By the Act of Congress herewith enclosed your Excellency will be informed, that the Articles of Confederation and perpetual Union between the thirteen United States are formally and finally ratified by all the States

We are happy to congratulate our Constituents on this important Event, desired by our Friends but dreaded by our Enemies.

4. THOMAS RODNEY TO CAESAR RODNEY.¹

PHILA. Mar. 2, 1781.

Sir,

. . . Upon the Confederation being Confirmed New Hampshire and Rhode Island having each but one member therefore became unpre-

"This great event, which will confound our enemies, fortify us against their arts of seduction, and frustrate their plans of division, was announced to the public at twelve o'clock under the discharge of the artillery on the land, and the cannon of the shipping in the Delaware. The bells were rung, and every manifestation of joy shewn on the occasion."

There follows an account of the *feu de joye*, the President's reception (with the cold collation), and the fire-works in the evening. "Thus America", the account continues, "like a well constructed arch, whose parts, harmonizing and mutually supporting each other, are the more closely united the greater the pressure upon them, is growing up in war into greatness and consequence among the nations. But Britain's boasted wealth and grandeur are crumbling to pieces, never again to be united . . . and, if she persists in her present self-destroying systems, there will be a time when scarcely a monument of her former glory will remain. The fragments of her empire, and its history, will then be of little other use to mankind, but, like a ruined tower on a dreary coast, to serve as a landmark to warn against the shoals on which her political navigators had shipwrecked that infatuated nation."

The *Gazette*, making free use of the phraseology of the *Packet*, elaborates upon the latter's account, in thought as well as in description. After a few remarks upon the ratification, "by which act the Confederation of THE UNITED STATES OF AMERICA was completed", the *Gazette* says:

"This happy event was immediately announced to the public by the discharge of the artillery on land, and the cannon of the shipping in the river Delaware.

"At two o'clock his Excellency the President of Congress received on this occasion the congratulations of the Hon. the Minister Plenipotentiary of France, and the Legislative and Executive Bodies of this State, of the Civil and Military Officers, sundry strangers of distinction in town, and many of the principal inhabitants.

"The evening was closed by an elegant exhibition of fire works. The *Ariel* frigate, commanded by the gallant John Paul Jones, fired a *feu de joye*, and was beautifully decorated with a variety of streamers in the day, and ornamented with a brilliant appearance of lights in the night.

"Thus will the first of March, 1781, be a day memorable in the annals of America, for the final ratification of the Confederation and perpetual Union of the Thirteen States of America—A Union, begun by necessity, cemented by oppression and common danger, and now finally consolidated into a perpetual confederacy of these new and rising States: And thus the United States of America, having amidst the calamities of a destructive war, established a solid foundation of greatness, are growing up into consequence among the nations, while their haughty enemy, Britain, with all her boasted wealth and grandeur, instead of bringing them to her feet and reducing them to unconditional submission, finds her hopes blasted, her power crumbling to pieces, and the empire which, with overbearing insolence and brutality she exercised on the ocean, divided among her insulted neighbours."

[3]¹ Va. State Lib., Executive Papers; Md. Hist. Soc., Red Book, VIII. 54; *Arch. of Md.*, XLVII. 99; Mass. Arch., CCIII. 242; N. J. State Lib.; Library of Congress, President's Letter-Book, p. 245; *Pa. Arch.*, first ser., VIII. 751.

[4]¹ Copied from the original, then in the possession of Mr. Stan. V. Henkels of Philadelphia; Henkels, *Catalogue*, no. 1236, item 474 (extract).

sented; they thought it so essential that they moved Congress to adjourn appointing a Committee of the States to sit till they Could be represented.

Yesterday the Confederation was finally ratified and Confirmed. At two O'clock we had a Colation at the President of Congress's. At five I Dined at Mr. McKean's with the President and Vice-President and twenty members of assembly of this State and Sundry Members of Congress and others.² Thus you hear this Situation is not yet without the flattering inducements of Good Company and Good Living. . . .

5. THOMAS RODNEY, DIARY.¹

[March 2, 3, 1781.]

March 2d. The States of Newhamshire and Rhode Island having each but one member in Congress, they became unrepresented by the Confirmation of the Confederation—By which not more than seven nor less than two members is allowed to represent any state. Whereupon General Sullivan, Deligate from Newhamshire moved, That Congress would appoint a Committee of the States, and adjourn till more States Could send forward a sufficient number of Deligates to represent them, Or that they would allow those Deligates now in Congress to give the Vote of the States 'till one more from each of those States was sent to Congress to make their representation Complete. He alledged that it was but just for Congress to do one or the other of them, for that the act of Congress by compleating the Confederation au't not to deprive those States of their representation without giving them due Notice, or their representation was Complete before, and that they did not know when the Confederation would be Completed. Therefore if the Confederation put it out of the power of Congress to allow the States [to] vote in Congress because there was but one Member from each [of] them, They aught in justice to those States to appoint a Committee of the States, in which they would have an Equal Voice. This Motion was seconded by Genl. Vernon from Rhode Island and inforced by Arguments to the same purpose.²

But all their Arguments were ably confuted by Mr. Burke of N. C. and others, and the absurdity of the motion fully pointed out, so that the question passed off without a Division. But it was the general Opinion of Congress that those Members might Continue to sit in Congress and Debate and Serve on Committees tho they Could not give the Vote of their States.

March 3. Saturday Not being in Congress I did not hear the debates of this day but the only question of importance was "that those Members

² Cf. nos. 1, 2, *ante*. Peter Devaux wrote to General Gates from Philadelphia Mar. 2: "Yesterday the Confederation was signed, by the Maryland Delegates, and a discharge of thirteen pieces of canon followed, a Salute from Comadore Jones and Nicholson's ships, congratulating Congress on this happy event. . . . P. S. The Houses of Two Georgians was eluminated last Night and rejoicing that the Confederation is settled, and only five other Houses was lighted in all this City." N. Y. Hist. Soc., Gates Papers, XIX.

[5]¹ Library of Congress, Rodney Papers.

² Sullivan's motion, noted as "passed in the negative", is in the *Journals* (p. 229). See also the representation of Sullivan and Varnum Feb. 28 (vol. V., no. 672), and the motion of Duane, recorded in the *Journals* under Mar. 2 (p. 224 n.). See also nos. 10 (note 2), 11, *post*.

who had served three years were now by the Confederation inellegeable " but the question was lost by passing off without a Division so that no Vote was entered about it and the old Members Continued of Course— It being the general sense of Congress that the Term of three years intended Should Commence with the Confederation.

6. RICHARD HOWLY TO HORATIO GATES.¹

PHILADELPHIA March the 3d 1781.

Did I, my D'r General, consult forms in those attachments which my Judgment is proud in having adopted, this letter would contain little but appology in not having earlier acknowledged the oblidging favours with which you have honoured me. My constitution is of a different mould. I could only therefore look forward to a character with veneration, which I could not *pleasantly* address: and amidst those publick and *domestick* troubles, which united to assail the virtuous mind, a heartfelt Sympathy was not the Smallest, among the poor ornaments of my mind.

It is with uncommon satisfaction I see you rise superior to the throws of hazard, not over clouded by strokes, which must have strongly affected the parent and heretofore Successful General. It gives a preeminence to that Station in which you was placed, when Congress bestowed with so much Justice, its highest honours and marks of Esteem on the victorious General at Saratoga. . . .

The Confederation was finally ratified on Thursday last. Major De-veaux who intends shortly for Berkely county, will furnish me an opportunity of Writing more at large and commencing that regular correspondence from which I will draw much Satisfaction and use.

I am pleased with the Expectation of seeing you in Philadelphia the beginning of April, by that time important Events will await our Southern operation. . . .

7. THE PRESIDENT OF CONGRESS TO THE GOVERNOR OF VIRGINIA
(THOMAS JEFFERSON).¹

PHILADELPHIA March 4, 1781.

Sir,

Your Excellency will be informed by the enclosed Act of the third Instant of the Measures Congress have adopted for the Removal of the Convention Troops into the State of Pennsylvania. The like Information is transmitted to Governor Lee and the President of Pennsylvania.

I have also informed Governor Lee, that should your Excellency find it necessary to order the Prisoners taken at the Cowpens to move Northward through Virginia, as intimated in your late Advice to me, He (Governor Lee) must consider them as included with the other Prisoners and give Orders accordingly

[6]¹ N. Y. Hist. Soc., Gates Papers, box 16, no. 18.

[7]¹ Va. State Lib., Executive Papers; Library of Congress, President's Letter-Book, p. 246.

It is necessary that the Executive of Maryland, or the Commanding Officer have seasonable Notice that they may be prepared to receive the Prisoners when they arrive on the Borders of Maryland.²

8. THE PRESIDENT OF CONGRESS TO THE GOVERNOR OF MARYLAND
(THOMAS SIM LEE).¹

Sir,

PHILADA. March 4, 1781.

By the enclosed Act of Congress of the third Instant your Excellency will be informed that all the Convention Troops both in Virginia and Maryland are to be removed to Yorktown and Lancaster, or such other Places in the State of Pennsylvania as the Executive of that State shall assign for their Reception; and the State of Maryland is requested to superintend the Removal, safe keeping and Supply of the German Corps from Nolands Ferry on the Potowmack, and the British now at Frederick Town, through Maryland to the Borders of Pennsylvania, and to continue the Guards until the British Prisoners arrive at Yorktown and the Germans at Lancaster, or such other Places as the Executive of Pennsylvania shall appoint for their Reception. The Supplies both for the Prisoners and Escort are to be furnished by Pennsylvania after they arrive within the Borders of that State.

If the Prisoners taken by Generall Morgan in the Action at the Cowpens should be removed to the Northward through Virginia, it is necessary to include them also

I need not point out to your Excellency the Necessity and Importance of supplying a sufficient Guard and especially a Commanding Officer equal to the Task to prevent Desertion or any other Impediment to the Execution of these Orders

I suppose the Prisoners in Virginia are now on their Way to Nowlands Ferry, as Governor Jefferson hath already advised me that the Situation of Affairs in that State compelled him to put them in Motion, and I have desired him to give your Excellency the earliest Notice of their Movement that a Guard might be ready prepared to receive them at the Borders of Maryland

It will also be necessary that President Reed have previous seasonable Notice of the Time when the Prisoners will enter the State of Pennsylvania.²

9. JAMES LOVELL TO ELBRIDGE GERRY.¹

D'r S'r,

March 5, 1781.

. . . We have nothing of Decision from the Southward that can be depended on; for, tho' Govr. Jefferson writes on the 26th that Corn-

² See the *Journals*, Feb. 24, 26, Mar. 3, 6, 14, 15, 22, 23; also no. 8, *post*; cf. Reed to the Pennsylvania delegates and to the assembly Mar. 5, *Pa. Arch.*, first ser., VIII. 757, 758. On the whole subject of the removal of the Convention prisoners see *Official Letters of the Governors of Virginia*, II., *passim* (index, Convention Troops).

[8]¹ Library of Congress, President's Letter-Book, p. 245; Md. Hist. Soc., Red Book, VII. 2; *Arch. of Md.*, XLVII. 105.

² See no. 7, *ante*; also *Arch. of Md.*, XLV. 353, 355, 357.

[9]¹ The original letter is in the private collection of Mrs. Annette Townsend Phillips, of Goshen, N. Y., a descendant of Elbridge Gerry, and is here published by her generous permission.

Wallis was retreating as rapidly as he had advanced, yet he mixes some Circumstances that we know are not true. Genl. Green wrote on the 15 that he himself had crossed the Dan without any Loss of Men or Baggage, but that he was not in condition to oppose the Enemy at *all* the Fords which would that Evening be passable and therefore he should not attempt to do it at any, that the militia were not coming to reinforce him and some were even leaving him, that his own Troops were in fine Spirits though they might be tracked by their bloody Feet. Govr. Jefferson says Cornwallis was retreating towards Hillsborough, and that Genl. Caswell was in his Rear with 4000 I think this probable from knowing Caswell's Influence; but it is a vile toryish Country from Hillsborough to Cape Fear so that the 4000 will not grow. The Enemy are 3,250, but if actually on the Retreat, the Hessian Brigade will as usual lose much of its Strength by Desertions.

Mulenberg was within 4 miles of Newport with 4000 and his advance within $\frac{1}{4}$ mile he had two Mortars and had picked off several Centinels and taken some Waggon. He thinks he shall be able to give a good account of Arnold. Baron Steuben had left that Quarter, and gone with 500 Continentals and some Rifle Men to Strengthen Genl. Green.²

Perhaps a more regular acct. will be in the print Tomorrow.

I am not very well, and have other Letters to scratch. . . .³

² The letters of Jefferson and Greene were read Mar. 5. That of Jefferson is in *Official Letters*, II. 373, and *Writings* (ed. Ford), II. 469.

³ Occasion is here taken to offer needed elucidation of a small paragraph in Lovell's letter to Gerry Nov. 20, 1780 (vol. V., no. 518), a paragraph that gave rise to some perplexity at the time the letter appeared in print. That paragraph is as follows:

"I will endeavor to get some *Decency* for Gen. W—— if it is only *plump Denial* of Justice. Perhaps as Mr. Matlac is joined to Mr. Fell there may be neither Denial nor Equivocation."

In that part of his letter immediately preceding this paragraph Lovell had three times used the abbreviation "Gen. W——", unmistakably for General Washington. It was not an unnatural assumption that likewise, in the paragraph quoted, "Gen. W——" meant General Washington. Washington assumed that it did (see Lovell to Pickering Feb. 5, 1781, vol. V., no. 634), and even Gerry himself, to whom the letter was addressed, took it for granted that the reference was to General Washington, but remarked in his letter to Washington, Feb. 7, 1781 (*ibid.*, note 2), "The Paragraph in Mr. Lovell's letter subsequent to the Motion, is so enigmatical, that I have no Idea of his Intention, whether favorable or not."

The key to the mystery has been supplied by Mr. Charles Warren, who has kindly furnished the following extract from Gerry's letter to Lovell Nov. 6 (found in Mass. Hist. Soc., Pickering Papers, XVIII. 60, XVI. 680):

"General Warren has an Account open with the Commercial Committee, wherein there is a considerable balance due to him for services and money advanced to the Public; and he thinks he is 'injuriously treated' by their delaying an adjustment. He has repeatedly desired me to write on the subject; but not knowing the names of the members of that Committee, I cannot address a private letter to either of them; and if your numerous engagements will admit of it, wish you would urge them to a speedy settlement, as well for preserving the honor of Congress, as for promoting public justice."

Just as this volume is on the point of going to press the editor has received, through the courtesy of Mrs. Annette Townsend Phillips, who had furnished the copy of Lovell's letter of Mar. 5, another letter from Lovell to Gerry, dated Feb. 20, 1781, which contains a passage relative to the controversial matters in his letter of Nov. 20, 1780. The pertinent passage follows:

"I understood from Pickering that the Com'der in Chief had been 'much agitated at what I said of Genl. W.' That was silly for it could not be forced to mean Washington. It was a direct Answer to your Request about Genl. Warren's Accounts vizt. 'I will endeavor to obtain some *decency* for Genl. W—— if it is only *plump* denial of Justice. but as Mr. Matlac is joined to Mr. Fell perhaps there may be neither denial nor Equivocation.'

10. THEODORICK BLAND TO RICHARD HENRY LEE.¹

PHILADELPHIA March 5th 1781.

D'r S'r,

. . . . The Confederation was signed and completely ratified on thursday last, and was accompanied with every demonstration of Joy by all ranks of People in this Place.² I thought I had acknowledged the Rect of yrs. enclosing Col. Masons Sentiments.³ I have little doubt of the Grant's being accepted by Congress on the terms mentioned in the act of Cession which I see nearly corresponds with those in that Paper. I believe the Covert manoeuvres of the land Jobbing Companies are so well known, and so fully discovered, that few of their abettors will be hardy enough to oppose it in its fullest latitude.⁴ Congress seems at this time more Unanimous, and less torn by factions than (from the best Information I can obtain from the Oldest Members) it has ever been since its first meeting.

11. THOMAS RODNEY, Diary.¹

Munday March 5th 1781. when we came to do business this Morning it was proposed by the President that Congress should determine what

"Your Suggestion is more pardonable. 'A curious motion the Product of some Months Study in the Jerseys.' The mover had been some months there. The main Arguments I used against it were the Indelicacy and Injustice of it as it regarded the Genl. who would either take a mortal Disgust at us for passing it or if he was as weak as the movers would be ruined by his acceptance of such an uncouth and unproductive a Commission. Indeed, Sir, you are just in your Opinion of me. I have a great Regard for his Excellency But it does not show itself in *all* the Ways of some other Men, for I can hear a pious Body say 'We have had a *mild Winter Thanks to God*' without putting my addition of 'and to Genl. *Washington*.'" This letter is now in N. Y. Pub. Lib., Townsend-Gerry Papers, from the collection of Mrs. Annette Townsend Phillips.

[10]¹ Univ. Va. Lib., Lee Papers.

² Ezekiel Cornell wrote Governor Greene of Rhode Island Mar. 5:

"The confederation was completed last Thursday at 12 o'clock and at the same time announced by the discharge of a Number of Cannon both on the land and on the delaware the Bells in the City were rung, the President of Congress gave a general Invitation to the Members of Congress, the President of the State, his Council, and the house of Assembly, the civil and Military officers of Congress, to wait upon him at his own house at 2 o'clock, A. M. [*sic*] where they partook of a cold collation. In the afternoon Capt. Jones fired a *Fue de joy*, on Board the *Ariel*. In the evening a Number of fireworks were played off and the whole concluded in the greatest harmony to the great satisfaction of every true friend to his country, and mortification of the infamous toreys who have long plumed themselves with the vain hopes that our Union would soon Crumble to pieces. Our State was not represented. It would have been agreeable to Congress that I should have resumed my seat untill a Delegate should have come forward but as the thoughts of any alteration in the Board of War during the next campaign is laid aside, it was thought most to the publick advantage I should remain at the Board which I have agreed to. I hope my conduct will be agreeable to the State as I can assure you I was not guided in my conduct so much by sinister views as the publick good. . . . Congress have some debates on the meaning and Spirit of certain paragraphs of the Confederation. they have determined this day that no question shall be finally passed upon, unless agreed to by seven states at least." R. I. Arch., Letters to the Governors; Staples, *R. I. in Cont. Cong.*, p. 332.

Respecting the last statement see no. 11, *post*. The *Journals* do not record such an explicit resolve; but see under Mar. 6; cf. no. 5, *ante*.

³ A letter from Lee to Bland Oct. 31, 1780, is in *Letters of Richard Henry Lee* (ed. Ballagh), II. 208; but that does not appear to be the letter here referred to.

⁴ See vol. V., no. 629, and nos. 11, 24, *post*.

[11]¹ Library of Congress, Rodney Papers.

number of States in Congress assembled was Competent to do business. This brought on a long and Learned Debate. It was argued by Mr. Duane of N. Y. Mr. —² of Connecticut, Mr. Madison of Virginia, Mr. Lovel of Massachusetts, Mr. Root and Mr. Weatherspoon of Jersey, and Mr. McKean of Delaware, That, as the Confederation had enumerated sundry things which should not be done but by the assent of nine States, and that no other question (except for adjourning from day to day) should be determined unless by the Votes of a Majority of the United States in Congress assembled, It was evident that the Confederation intended nine States should be a Corum to do business and that a Majority of the nine (vizt. five) was sufficient to determine any Matter Except the Matters enumerated as above mentioned. That unless this Construc-tion was put on the Clause would not be able to do much and Instances of the Practice of the Brittish Parliament and that of Corporations were introduced to inforce these arguments and much fine reasoning and Sophistry not much to the Honour or Credit of those on this Side of the question was made use of—and indeed no Species of artful reasoning within the reach of a Law[y]er was left untried on this Occasion. Here we had an opertunity of seeing that Maxim verified “that all men would be Tyrants if they Could git the power” and I must Confess I was Sorry to see such a Keen Struggle to increase the power of Congress beyond what the States Intended so early as but the third day after Completing the Confederation. But all their Arguments were so fully answered by Mr. Burke of N. Carolina that Mr. []² of Connecticut came over to the same opinion. Mr. Burke Contended that the assent of seven States (a majority of the united States) was necessary to determine every question in Congress except adjourning—he said he well remembered the arguments and the gentlemen who advanced them on this subject, when the Confederation was formed; that the matter was then fully debated and that it was the sense of Congress at that time that less than a Majority of the States should not determine any question in Congress. that Majority at present is seven, but that the reason why Congress Chose to Mention the Majority instead of the number Seven which at present is a Majority was because they expected that Canada would accede to the Confederation and in that Case seven would have Ceased to be the Majority, and that the Clause was in such plain and explicit language that he Could not see how it should or Could be Understood other ways. That if the Matter was determined otherwise, it would put it in the power of a minority of five States by entering into a junto or Cabal to ruin the Majority of Eight, That it was Contrary to all Compacts of Sivil Society for the Minority to rule the Majority, but that if this question was determined as the other gentlemen wished, it would often be the Case in the united States, whenever it hapen’d that two or more of the States were not represented in Congress. But he said let Congress pretend to determine as they would they Could not

² The delegates from Connecticut were Jesse Root and Oliver Wolcott. As Root is definitely mentioned by name (although assigned to New Jersey; see no. 20, *post*) “Mr. —” is doubtless Wolcott.

destroy the force of the Confederation, that if they attempted so early to Claim powers that were not expressly given by that Charter or began to pervert it to increas[e] their power they would give a dreadfull alarm to their Constituents who are so jealous of their Liberty. Col. Blann of Virginia, Mr. Mathews of S. Carolina coincided with Mr. Burk, but the opposite party replied that the Clause Could not mean a Majority of all the United States but that the plain and obvious Meaning of the words was a Majority of such States as should be from time to time represented in Congress. Thus all the stress of the argument on their side lay in the Construction of the following words Towit "A Majority of the United States in Congress assembled". South Carolina mistaking the plain meaning of these words as well as some of the present disputants instructed their Deligates to git the words "*in Congress assembled*" struck out and then they alledged there would remain no doubt but if they had fully attended to the whole intention of this Sentence they would have seen that this would have destroyed one half and more of its true meaning, and thereby have left one half the Confederation out of the power of Congress. Now I conceive this sentence includes two things vizt. that every question not requiring the assent of nine States, should require the assent of a Majority of the United States, (which while there remains only thirteen will always be seven) and that this assent should be given in Congress, and no where else, but if the words "*in Congress assembled*" were struck out, that assent Could not be given in Congress at all; and therefore when any question arose in Congress that should require such assent they would be under the necessaty of send'g to each State for its Vote, and have to wait till it was Convenient for the Legislatures to determine the mater and send up their Voices to Congress—And in my Humble opinion if the words "*in Congress assembled*" were struck out of the Confederation, they would carry with them one half the powers of Congress because they relate to almost every question that requires the voice of a Majority of the States, if not to those or at least some of them that requires the assent of nine States.³

Tuesday March 6th 1781 This morning the Subject so much debated yesterday Came on the Carpet again, but all the Members being tired out with the debate and Concluding it would be unsafe to make any final determination on a Matter which so Materially affects the freedom and Sovereignty of the respective States, Generally agreed that the Rule of their Conduct should be not to go upon any business but when nine States at least are represented in Congress, And not to pass any vote but with the assent of seven States at least Untill Otherwise Determined, when all the States are represented and upon this Rule we proceeded to business.

The Deligates of N. Y. moved that the Memorial from there State should be taken up which requested that Congress would recommend it to the respective States to repeal all Laws making paper Money Legal

³ Nothing of this discussion appears in the *Journals* Mar. 5. Cf. no. 10, note 2, *ante*, the Diary for Mar. 6, and the resolve upon the motion of Varnum and Root, in the *Journals* of that day.

Tender, or that they would permit that State to pay of the certificates which had been given for supplies with the new Money, or that they would furnish money to pay of those Certificates etc. or that they might be ordered to Exchange the new Money for the Old etc.⁴

Doctr. Weatherspoon opposed this motion and said that it Tended to increase the paper Money in Circulation if they were permitted to pay of the Certificates in that way, and a member from Connecticut⁵ observed that they had Called in all the old Money in that State by tax, and it would be hard now that it was in great part Collected that they should be obliged on account of New Yorks application to give there new Money out for the old, which would be taking too much from the Treasury—and oblige them to be at the Expence and delay of Collecting another Tax as the old Money must be destroyed and wou'd serve to pay the army or purchase Supplies—postponed Till Tomorrow.

General Vernon of Rhode Island then moved that Congress should appoint a Committee to Draw up a Code of Laws giving Congress full power to punish all their own officers and that it should be recommended to the United States to Confirm the same. This Motion was at first opposed but the Committee was afterwards agreed to and the Debate reserved till they report⁶—another grasp.

12. THE PRESIDENT OF CONGRESS TO THE GOVERNOR OF VIRGINIA
(THOMAS JEFFERSON).¹

PHILADELPHIA March 6, 1781.

Sir,

I have been honored with your Several Favors of the 8th, 17th, and 26th Ultio,² And have it now in my Power to inform you, that Mons'r Tilly with the small Squadron under his Command has left the Bay and arrived at New-Port the 24. Ultio. on his Passage having captured the *Romulus*, a 44 Gun Ship but pierced for 50 and carried her into Newport.³

⁴ A representation from the state of New York, presented Jan. 29, and a letter from Governor Clinton, read Feb. 14, were taken under consideration Mar. 2 and further discussed Mar. 3, 6, and 9. See no. 24, *post*; cf. vol. V., nos. 632, 639.

⁵ Probably Wolcott.

⁶ The reference may be to the motion of Varnum quoted in the *Journals*, p. 236 n. The committee on the resolution actually adopted, on motion of Varnum and Root, respecting the investment of Congress with explicit powers, made a report bearing the date Mar. 12, which was taken into consideration May 2 and further considered Aug. 22. See no. 29, *post*.

[12]¹ Hist. Soc. of Pa., Dreer Coll., M. O. C., II. 117.

² Jefferson's letters are in *Official Letters*, II. 329, 350, 373, addressed both to the President of Congress and to General Washington. The same letters, with minor differences, are in Jefferson's *Writings* (ed. Ford), II. 447, 455, 469, the first and last addressed to the President of Congress, the second to General Washington.

³ An account of the French successes is given in a letter from Daniel Carroll to Governor Lee Mar. 6 (N. Y. Pub. Lib., Emmet Coll., Misc.). The letter of the minister of France, Mar. 2, read in Congress the same day, is in Wharton, *Rev. Dipl. Corr.*, IV. 271. See also Lafayette to Washington Mar. 2, *Letters to Washington* (ed. Sparks), III. 248. The log of the *Romulus* is in the possession of the Essex Institute. See Donnan, *Documents illustrative of the History of the Slave Trade to America*, III. 80.

And you may daily expect a Reinforcement in the Bay both of Troops and Ships, Wind and Weather permitting; but this Should remain a Secret until they arrive

The Delegates from Virginia it is presumed, will give your Excellency more particular Intelligence of this Reinforcement.⁴

13. THE PRESIDENT OF CONGRESS TO NATHANAEL GREENE.¹

PHILADA. March 6, 1781.

Sir,

I have received your Letters of the 10th and 15th Ult. and forwarded your Letters to General Washington. I am happy to receive the earliest Intelligence from the Southward, but, in your present Situation, ever readily excuse your not multiplying Duplicates of the Intelligence

You will receive enclosed, a Copy of an Act of Congress of the 1st Instant, by which you will be informed the Articles of Confederation are finally ratified by all the States

It will be proper to announce this important and happy Event to the Army when Circumstances will admit

I have also the Pleasure to inform you that Moylands Corps and the Pennsylvania Line, except such as are on the western Frontiers, are ordered to join the Army under your Command, and heartily wish this Measure had been sooner adopted.

14. JOHN SULLIVAN TO GEORGE WASHINGTON.¹

PHILADELPHIA March 6th 1781.

Dear General,

I was Duly Honored with your Excellency's favor of the 4th of Feby. and omitted writing Since upon a supposition that you had gone to Rhode Island.² I am happy to find your Excellency entertains the Same Sentiments of the virtues and abilities of Colo. Hamilton, as I have Ever Done myself. After I wrote your Excellency I found The Eyes of Congress Turned on Robert Morris, of this City as Financier. I did not therefore nominate Colo. Hamilton as I foresaw that it would be but a vain attempt. I shall this Day nominate him as Secretary of Foreign Affairs in which I think I shall meet the approbation of most of the States.³ The Choice of a Minister of War is postponed to the first of October. This was a manoeuvre of Saml. Adams and others from the North, fearing that as I was in nomination the Choice would fall on me who having apostatized from the true New England Faith, by sometimes voting with

⁴ See no. 15, *post*.

[13]¹ Library of Congress, President's Letter-Book, p. 248.

[14]¹ Library of Congress, Washington Papers; *Letters to Washington* (ed. Sparks), III. 252; Amory, *Military Services and Public Life of Major-General John Sullivan*, p. 186.

² Washington's letter of Feb. 4 is in *Writings* (ed. Ford), IX. 131, (ed. Sparks), VII. 399.

³ Nominations for the office of secretary for foreign affairs were made Jan. 17, but the *Journals* record none on Mar. 6. See vol. V., no. 621, note 2, and nos. 46, 48, 112, *post*.

the Southern States am not Eligible. They were not however acquainted with all the Circumstances. I was nominated against my will and if Chosen should not have Accepted.⁴

General McDougale is appointed Minister of Marine.⁵ The Plans of Finance and all other matters go on so Slowly that I Tremble at the Consequences. I am mortified at the useless harangues which Consume our Time to no purpose. I am now endeavouring to obtain an adjournment of Congress and for Leaving a Committee to Transact the Business as the only way of having the Publick Business done with Propriety and Dispatch.⁶ I fully agree with your Excellency That Congress ought to have more power but I also think that the old Members Should be in Heaven or at Home before this Takes place. . . .

15. THE VIRGINIA DELEGATES TO THE GOVERNOR OF VIRGINIA
(THOMAS JEFFERSON).¹

Sir,

The Minister of France having imparted to Mr. Jones as Chairman of a Committee appointed to confer with him on some secret matters the intentions of C^t Rochambeau and M^r Destouches explained in the inclosed note, we thought it of such consequence that your Excellency should be certainly apprized of them, that notwithstanding the probability of the communication being made through some other channel we determined to guard against all risk of failure by dispatching one of the established expresses.² . . . As the success of the Enterprize may depend much on secrecy of preparation, and celerity of execution, we beg leave to intimate to your Excellency, that it is the wish of the Minister that no persons should be admitted to a knowledge of it from whom it can be justifiably concealed, and that such military stores, particularly heavy cannon and mortors, as are in the hands of the State and will be wanted for a siege may be in readiness to go forward at a moments call.

⁴ See the *Journals*, Feb. 28; cf. vol. V., no. 621, note 2, *ante*, and nos. 24, 112, 265, *post*. See also Washington to Schuyler Feb. 20, Mar. 23 (*Writings*, ed. Sparks, VII. 360). Schuyler, replying Apr. 3 to Washington's letter of Mar. 23, wrote: "The motives which led Congress to postpone filling the War department have leaked out, and been communicated to me. General Gates was in nomination; but his friends, reflecting that the impropriety of appointing him before he had exculpated himself from the imputation of misconduct in his command, would be too glaring an abuse of power, deferred it, in hopes that, by an acquittal, the public confidence will be restored to him. But surely the gentlemen who intend him the office, neither consult his reputation nor the public interest. Not the former, because his inability to discharge it will certainly draw disgrace on him; nor that of the latter, for, even if he was competent, he ought to be precluded, as the inveterate enmity which he bears you, and which will influence him the more for being groundless, will lead him, without hesitation, to reject or thwart the most salutary measures you may propose." *Letters to Washington*, ed. Sparks, III. 280.

⁵ The election of McDougall was on Feb. 27. See no. 25, *post*.

⁶ Sullivan's motion for a committee of the states is in the *Journals* under Mar. 2; cf. no. 4, *ante*. For a history of the committee of the states see this editor's paper in *Am. Hist. Assoc., Annual Report*, 1913, vol. I., pp. 141-158.

[15]¹ Library of Congress, Cont. Cong., Misc., portfolio 103 (signed by Jones and Madison).

² See no. 12, *ante*; cf. vol. V., no. 643, and no. 49, *post*; also *Cal. Va. State Papers*, I. 800.

The Minister also wishes that some supplies of provision, of beef especially, for the French troops may be included in your general preparations

PHILA: 6th Mar: 1781

16. JOHN SULLIVAN TO THE PRESIDENT OF NEW HAMPSHIRE
(MESHECH WEARE).¹

PHILADELPHIA March 6th 1781.

Dear Sir,

As I mentioned to you in Former Letters my Suspicions respecting Colo. Olcutts being either a Friend to new York or at best a mistaken one on the part of new Hampshire I now take the Liberty of inclosing you Copy of his Petition to Congress Delivered in Feby. 1780 Signed by him and Beza'l Woodward; by which it will appear That he was one of the first if not the very first mover for Taking away a great part of new Hampshire and annexing it to new York. This together with his Joining with new York in having their favorite Question determined would alone have been Sufficient to place him in a Suspicious point of Light: but I had other reasons. This will easily account for his not being able to Collect my real Sentiments respecting vermont and for my Conversing with him in a manner which appeared most Likely to Draw forth his real Sentiments. I am no Less mortified Than surprized that this should be Looked upon by the assembly as a breach of Trust or a Deviation from my Instructions (which I have Learn'd by Private Letters from New Hampshire). The events which have already taken place by pursuing his Plans and the Reasonings in my Late Letters will either serve to Justify or Condemn the measures which I have adopted. The Least attention to the Resolves of Congress will prove at Least how much it would be against the Interest of new Hampshire to have the Question respecting the Independency of vermont first determined, for Congress long since Resolved That the Inhabitants of that Territory should submit to the Jurisdiction they were under before the Commencement of the war. Now the Decree of the King and Council having given new york the Jurisdiction in 1764 and New Hampshire not assuming a Jurisdiction over them afterward it is inevitable that that resolution if Complied with would have placed those people under the Jurisdiction of new York, and if the Question so warmly urged by new york is first Determined a Decision making it Independent will Destroy the claims both of new york and new Hampshire. But if the Determinations should be That it is not and shall not be an Independent state will not the Decree of the King and Council and the former Resolution of Congress operate to fix them to new york untill new Hampshire by wading through a Tedious Dispute can Convince Congress or at Least a Committee of it That the Decree of 1764 was erroneous. This will Throw the Onus upon new Hampshire and perhaps a Final Decision will be Delayed untill the art of new york

[16]¹ Mass. Hist. Soc., Weare Papers, C 81 B 17; N. H. Hist. Soc., Weare Papers (copy).

in the exercise of their power reconciles the minds of the People to their Government, and renders an acquisition of this Territory to New Hampshire more Difficult.

These are my Sentiments respecting the views of new york and the Design or mistake of Colo. Olcott—perhaps I may be mistaken but the reasons are submitted to the wisdom of the assembly.

I do not mention These things to hold up the Idea of Deviating in the Least Degree from my Late Instructions but as a Justification of my Conduct prior to the receipt of my Late Instructions.²

17. JAMES DUANE TO MRS. DUANE.¹

PHILADELPHIA 6th March 1781.

I received my dearest polly, your affectionate Letter by this days post. The circumstances of our publick Affairs have demanded the attention of every man in publick Trust, in an eminent degree, especially of those whose long experience in Business has acquired them Confidence and the means of being useful. It must be obvious to you that we must be ruined unless a Successful period is put to the war; and my Interest as well as duty call upon me to contribute my Services. But remember my dearest polly that I did not engage in the delegation of this present critical year but with your own free approbation; for I foresaw that the Common Interest as well as the particular business of our own state would involve me in a scene which must bring on a long and to both [of] us a most painful separation. . . . I feel my dearest Polly the force of your observation that "altho' the State requires my assistance, I have a tender and affectionate Wife and a young Family who require my Care." But what can I do? You know I never sought publick Employment. When called upon by the Voice of my Country cou'd I refuse in a Cause which my Conscience approved? If I give up my present Station can I, ought I, to remain a silent spectator! No—an Active part I must take either in *Council* or the *Field*. . . .

Our Southern affairs wear a promising aspect. . . .

18. JOHN MATHEWS TO GEORGE WASHINGTON.¹

PHILADELPHIA March 6th, 1781.

My Dear Sir,

I received your favor of the 26th Ult. the 1st inst.² In answer thereto, I beg leave to observe, That all the gentlemen now prisoners at St. Augustine, were either acting as officers in the militia, or as private soldiers, at the time they were made prisoners. And I cannot conceive they can be looked upon, in any other light, than that in which they acted at the time of their captivity. Indeed by the capitulation of Charles Town,

² See vol. V., no. 635, and nos. 24, 25, 192, *post*.

[17]¹ N. Y. Hist. Soc., Duane Papers, I. 69.

[18]¹ Library of Congress, Washington Papers.

² Washington's letter to Mathews Feb. 26 is in *Writings* (ed. Ford), IX. 168, (ed. Sparks), VII. 437. He replied to this letter Mar. 23.

this is a point clearly decided. I conceive when the people of a country lay aside the characters of citizens, and assume that of soldiers, through the whole course of the accidents of war, they are to be considered according to their military rank *only*, that of the citizen being absorb'd in that of the soldier. For instance, all the British officers taken in America, who have been members of their parliament, or House of Lords, have not been considered as such, at the time of exchange, but simply in the ranks they have held in their army. Genl. Burgoyne was a Governor, he was never considered in all the cartels that have been propos'd in any other light than as a Genl. officer. Several other officers, I believe, have held civil commissions independent of their seats in parliament.

From these considerations, I cannot think S'r Henry Clinton can have an Idea of holding those gentlemen at St. Augustine, by any other characters than those they respectively held in the military line at the time of their capture. Should your Excellency find this objection started by S'r H. Clinton, in the course of your negociations, I think Congress should be immediately acquainted with it, that they might be enabled to take their measures accordingly.

If they can bring any criminal charge against those gentlemen, let them exhibit them. And if the charge is proved, they must suffer, if not, it is high time that justice should be done them. Congress cannot with honor, longer delay it. A speedy exchange, has hitherto been the only cause of its being suspended.

19. JOHN MATHEWS TO THE GOVERNOR OF NEW JERSEY
(WILLIAM LIVINGSTON).¹

[March 6? 1781.]²

Our preparations for, and final ratification of the confederation have suspended for a time our plan of finance, our constitution being so materially changed that we have felt a little awkward in our new gears; however we have got pretty well used to them now, and have again entered on business.

I hope our new constitution will prove the means of introducing a more clear and perfect understanding between Congress and the states, and while the first continues to confine themselves within the strict limits of their authority, the latter will conceive themselves bound by the most sacred ties, implicitly to support them.

The want hitherto of a proper line to be drawn between Congress and the states has been the cause of numberless embarassments, for whilst the states were left *ad libitum*, some would do a great deal, some a little, others scarcely any thing. The evil consequences resulting from this course are apparent. My expectations are highly flattered by this important event, and anticipate, in my own mind, the most happy consequences resulting from it.³

[19]¹ Harvard Univ. Lib., Sparks MSS., no. 49, vol. III., p. 156½ (extract).

² Without the missing parts of this letter there is no very definite clue to its date, except that the reference to the completion of the Confederation shows that it was written shortly after Mar. 1. On Mar. 6 Congress resolved to devote three days of each week to the consideration of finance.

³ See nos. 29, 30, 48, 64, 65, 209, *post*.

20. THOMAS RODNEY, DIARY.¹

Wednesday March 7th 1781. The motion made yesterday by the Delegates of N. Y. Came on the Carpet again today. Upon inquiring into the Journals of Congress it appeared that the States were at Liberty to exchange the new Money for the Old at any Exchange not less than 40 old Dollars for one new one So that the Motion was reduced to this—"Will Congress give the State of N. York permission to pay of the Certificates in that State with the new money?" Mr. Burk and Mr. McKean Urged that to permit this would be Subverting the Intention of the Resolution of the 18th of March Unless the old money was first drawn in. Mr. Weatherspoon and Mr. Bland Spoke to the same purpose, Mr. Duane said that it was out of the Power of N. York to call in the Old Money by exchange or Taxes because it was not in the State. That the inhabitants had let the army have all their produce, for which they only received Certificates—so that now they had neither Money nor produce to git it with, that these Certificates amounted to Two Millions and that the faith of the State was pledged to pay them off, and if Congress Could not furnish Money to pay them the State would be under the Necessaty of striking money on its own Credit to pay them. That the State had alway Scacredly [*sic*] followed the Counsels of Congress and had Complied with every requisition to the Utmost of their power, and would not now do any thing without first having the advice of Congress. That he understood the State of Virginia had struck Two Millions of new Money on the Credit of that State contrary to the Resolution of the 18th of March.

He was seconded by Genl. Sullivan and Mr. Root of Jersey² who insisted on permission for issuing the new Money to pay of those Certificates etc.

But Mr. Burk replied and urged the keeping of the publick faith as held forth in the Resolution of the 18th of March—So that when the question was put it passed in the negative.³

A long debate also arose today on a report of the Treasury board—whether Congress should pay Sundry Iron Masters for Shot and Shells in Bills on france at 4/6 specie for 4/6 Sterling. Genl. Sullivan and several others urged this to be done upon the principle of establishing the Credits of the States, Mr. Burk and Mr. McKean represented this as ruinous to the Publick to give Sterling for Currency. The Debate was long and tedious but afforded nothing very instructing, it passed in the negative.⁴

Thirsday March 8th 1781. According to the Order of the day Congress Resolved itself into a Committee of the whole upon the subject of finance.

[20]¹ Library of Congress, Rodney Papers.

² Rodney again assigns Root to New Jersey instead of to Connecticut. See no. 11, note 2, *ante*.

³ Such a decision is not recorded in the *Journals*. Cf. no. 11, *ante*, and no. 24, *post*.

⁴ The *Journals* of Mar. 7 make no record of this matter. See however under Feb. 15, 24 (Patton memorial), 26, 28, Mar. 6 (treasury report), 12, 15, 19, 26, 29, Apr. 28.

Attending first to gener'l Pickering's Letter informing Congress that the Tender Laws put it out of his power to pay his Specie Contracts according to their real value in Current Money.⁵

The whole Congress at once agreed that we ought to pay all our debts Honestly and that the Tender Laws obliging people to take paper money at a rate above its Current Value was pernicious. Yet a very long debate ensued—Some few only were against recommending it to the States to repeal all their Tender laws thinking it would give a fatal stab to the new Money, All the rest were for having this done and for paying our debts Honestly, but Could not agree in the manner of doing it, so that the whole day was taken up in debating about the form of a Resolution Suited to the occasion and one form after another was voted out till all the parties got bewildered in the debate and at length adjourned desiring that some member would have one ready against the morning. Whereupon I took upon me to prepare the following Resolutions vizt.

"Whereas the United States in Congress assembled, being Convinced that Honesty is the best policy [*sic*] in publick, as well as in private, affairs are determined to conform faithfully to the Golden rule of Equity and Justice—therefore

Resolved that all the debts and Contracts now due or which may hereafter become due from the United States to any person or persons whatsoever (being first liquidated according to the real value of the Money Lent or Contracted for, at the time of Lending or Contracting) Shall be paid in Specie or an equivalent in paper money, Computed at its current not legal Value when paid: anything heretofore done to the Contrary notwithstanding.

All persons acting under the authority of the United States are required to take notice of this resolution and Govern themselves accordingly—and that the officers of the United States may not be prevented from discharging their several duties under the above resolution, or offend against any Law or Laws of the respective States making paper money legal Tender—Resolved that it be recommended to the respective States to revise and repeal all those Laws, As in the opinion of Congress they are greatly prejudicial to the Interest of the United States and Tend rather to depreciate than support the Credit of their money, which Cannot be done effectually but by providing sufficient funds of Specie by Tax, or otherwise, for the purpose of redeeming and sinking it."

21. JOHN SULLIVAN TO GEORGE WASHINGTON.¹

PHILADELPHIA March 9th, 1781.

Dear General,

Your Excellency's Letter of the 20th of December, was refered to a Committee of which I have the Honor to be one. We yesterday gave in a Report which being read appeared satisfactory to Congress as no

⁵ Only a brief memorandum recording the consideration of Pickering's letter, etc., is in the *Journals*.

[21]¹ Library of Congress, Washington Papers (signed by John Sullivan, Chairman, "In behalf of the Committee").

objection was made to it. I moved That previous to its being Considered it might be refered to your Excellency for your opinion, upon which it was recommitted, and The Committee Instructed to Consult your Excellency upon it. I Therefore take the Liberty of Inclosing your Excellency a Copy of the Report and of requesting (in behalf of the Committee) your opinion upon it.

The first Paragraph is agreeable to the Line of promotion which your Excellency was pleased to point out: But as it could not be Extended to Hazens Regiment and others in Similar Circumstances the 2d Resolution became necessary.

The Third and fourth respecting the Artillery and Cavalry are Liable to Some objections but much Less so than any other which Suggested themselves to the Committee

The Promotion of Brigadiers and Major Generals comes nearer to that of rising in the Line of the Army than any which has yet been Adopted or Suggested, and any other would be attended with Insuperable Difficulties. That of Suffering the States to have Officers according to the number of Troops furnished would prove injurious to Officers of the Smaller States and Even if they were to Stand Intituled to promotion when they became the Senior Officers In the Line of the Army, Their promotion would be uncertain as they would Constantly have to Combat with the Interest of State and the Caprice of Individuals to obtain it.

The Committee will Thank your Excellency for your Sentiments upon Every Paragraph of the Report and beg you to give the Date of Colo. Tilghmans and Doctor McHenry's Entering the Service.²

P: S: The Clause respecting volunteers will prevent the Army from being Commanded by illiterate Sergeants which must inevitably be the Case in a few years if Some Such mode is not adopted.

J: S:

22. JAMES LOVELL TO BENJAMIN FRANKLIN.¹

March 9, 1781.

Hon'ble Sir,

I forward Gazettes, Journals and some particular Resolves, by Way of Amsterdam.

The Arrival of the *Ariel* has given us Dispatches from you, long expected, of June 1st, Aug. 9th, Dec. 2d and 3d.

Congress had, before the Receipt of your Letters Feb. 19th, written to Mr. Adams Jany. 10th, and signified their Concurrence in Opinion with C't de Vergennes, as to the Time and Circumstances of announcing his (Mr. A's) powers to Gr. Britain. They had also on Dec'br 12th expressed their Sentiments upon his Letters of June 26th, inclosing to them his Correspondence relative to the Act of the 18th of March calling in the old paper money. I send you Extracts from the Journals for your

² See the *Journals*, Mar. 8, 9, May 25; also nos. 112, 128, *post*; cf. also vol. V., no. 571. Washington submitted his ideas to the committee Apr. 3 (Papers Cont. Cong., no. 152, ff. 43, 53); to Sullivan Apr. 4 (Washington Papers, drafts).

[22]¹ Hist. Soc. of Pa., Society Coll.; Wharton, *Rev. Dipl. Corr.*, IV. 276.

fuller Information on these points; and I shall forward, yet for a Time, all acts of Congress intended for your Guidance whenever they are finished. But I most earnestly look for the Appointment of a Secretary of foreign Affairs, agreeably to their Determinations of Jany. 10. Such an Officer may authoritatively communicate his Opinions, and in many Ways make your Station more easy and reputable to you than it can have been under great want of Information of our circumstances.

23. THOMAS RODNEY, DIARY.¹

[March 10, 1781.]

Caractors of Some of the Members of Congress.

His Excellency Samuel Huntington President, is a man of a mild Steady and firm Conduct and of Sound and methodical Judgment tho not a man of many words or very Shining abilities. But upon the whole is better Suted to Preside than any other member now in Congress. In his Dress, and maners, he is very plain, very gentleman[1]y and truely republican. He is from Connecticut.

General Sullivan, of New hampshire has been in the army from the beginning of the war, has a good Idea of Publick affairs, is of Honest Political Sentiments, desirous of supporting the credit of the States, and doing Justice to their Servants, he is generally cool and firm with an appearance of diffidence in debate, generally keeps to the points in question, but does not possess any great polically abilities; such as are necessary to take into view such an Extensive Systematical arrangement of things as is necessary in so extensive a government.

Samuel Adams of Masachusetts has been in Congress from their first meeting, has a pretty general knowledge of their affairs and is particularly attentive to every thing that affects his own State or friends; he is neither eloquent nor talkative; but having the full command of his passions, and possessing a great deal of caution and Court cunning he is well fitted for a politician in every Case where great and good abilities are not requisite.

General Varnum of Rhode Island is a man about thirty, of florid habit, he has read some little in books, is fond of Speaking and Spouting out every thing that his reading has furnished him with whether apt or not to the purpose. his temper and Councils are very precip[it]ate and but little calculated to be useful in such an Assembly, he is very desirous of enlarging its powers.

Mr. []² of Connecticut appears to be a man of Integrity is very candid in debate and open to Conviction and does not want abilities; but does not appear to be possessed of much political knowledge.

Mr. Duane of New York has been in Congress from the first. Is of good and even temper, attentive to business, of a low soft Voice, not Elloquent, nor designing, but upon the whole a good republican, desirous of promoting the general weal and particularly attached to the Interests of his own State.

[23]¹ Library of Congress, Rodney Papers.

² Presumably Wolcott is meant. See note 3, below.

Doct'r Weather Spoon of New Jersey is a man in year perhaps 70 of the New light Presbyterian Ardor. Is possessed of a good share of knowledge in books and the Languages; speaks with a low and broken Voice on the Scotch accent; And has all the design and arch Cunning that is necessary or practiced in an assembly of the kirk of Scotland. But does not seem to possess much of that Candid integrity, Honesty and Wisdom which is necessary in the Governing an Honest Confederacy.

Mr. Root,³ of Jersey is a man that seems to be without passions and therefore has a Capacity to Conceal the most artful designs under the most specious shew of Candor, and plausible argument, yet his language is so weak and innervate that he seldom succeeds in making much impression on the audience—in short his Talents seem better suted to some under office of some European Court than to a republican assembly.

Doct'r Montgomery of Pensylvania is a man possessed of a good share of reading and knowledge and is an agreeable companion in private—has an apt memory and a fertile imagination—Yet is Vain, fond of power and governed in publick Councils by capricious whims.

Mr. McKean of Delaware, now Chief Justice of Pensylvania, has been in Congress from the first, is a man of talants—of great Vanity, extremely fond of power and entirely governed by passions, ever pursuing the object present with warm enthusiastic zeal without much reflection or forecast.

There is none from Maryland that may be particularly distinguished at present. Therefore I take notice of a Mr. Madison, of Virginia who with some little reading in the Law is just from the College, and possesses all the self conceit that is Common to youth and inexperience in like cases—but it is unattended with that gracefulness and ease which some times makes even the impertinence of youth and inexperience agreeable or at least not offensive.

Col. Bland of Virginia is a man of moderate talants, of firmness and Candor and much attached to the Constitution of the States—Tho not very systematical nor always of the best Judgment and is rather rustic in debate.

Doct'r Burk of N. Carolina, tho not equal to many who have been in Congress, may justly be stiled the ablest and most useful member there at present. He has been in Congress five Years, is very attentive and well acquainted with business, is nervous tho not Eloquent in his language, he is Correct and pointed in his debates, possesses the Honest integrity of a republican and is for preserving inviolable the rights of the people without being lured away by power. Yet he is some times not fully guarded from Dictatorial language and does not attend sufficiently to system, order and arrangement, in a general view but confines himself too much to particular Objects.

Governor Bee of South Carolina, is a man of some talants, of a cruid restive temper, not Eloquent but of a harsh and disagreeable delivery; consiquensial in his deportment and Conceited in his notions—very desirous of Order in the House, but most apt to transgress it himself.

³ Rodney continues to make the mistake of assigning Root to New Jersey instead of Connecticut.

Mr. Mathews Chief Justice of S. Carolina, is a man of talants and more Agreeable in his address as well as language, but has an interruptive maner of speaking not well adapted to Command attention, is undesigning and possesses a goodeal of Candor, which leaves him open to Conviction, and upon the whole is a good republican.

Governor Howley of Georgia is a man of great reading and knowledge which he generally displays without system or design straying far from the object in question, so that he often leaves it in doubt what side of the question he is on. He is loud but not very eloquent, therefore rather excels in Declamation than argument, and of course is not Closely attended to, but when he entertains the House with st[ro]kes of wit or spouts of knowledge. He would shine more in a Democratic assembly.

The rest of the House may be thrown into one Group of inferior talants, mostly young, inexperienced, and unconnected in any regular political Views.

The judicious will see by this exhibition of Caractors, that the affairs of the United States in Congress are not Conducted by the ablest talants and men of the first abilities, therefore will not be found agreeable to the rules of unexceptionable wisdom. Neither are they Conducted by the most true, disinterested and amiable spirit of Patriotism. Yet Congress Considered Collectively possesses a firm and Independant Spirit, with a determined and unalterable resolution to support the liberties of America. And tho selfish Conceit and opinions which most of the members possess has in some measure the effect of the most disinterested Patriotism, because it occasions them to disagree in every thing but those measures which is notoriously for the good of all, Yet this disjointed manner of proceeding throws government into that disorder'd tract of adopting one expedient after another perpetually by which means the States have lost their Credit, and Congress that Confidence which the People ought to have in their wisdom.

There fore it is to be wished that Congress would ad System, order and arrangement well organized, to the Honesty and integrity of their measures. And I trust now that the respective powers of Congress and the States are prescribed and marked out, these improvements will soon begin to take place.

Indeed it is not much to be wondered at that this has not taken place before. Such a Variety of interests as there must be among a people forming thirteen Independant States extended over a vast Tract of Country, and only connected by political ties, requires much time and experience to reduce them to Systematical order, and so to Organize and arrange them as to be sutable and agreeable to a people so jealous of their Liberties as the Americans are, and so as to give no reason of complaint to one part of the Community against another.

But I am perswaded a Noble, Honest and generous love for mankind, United with a firm and unalterable attachment for our Country, together with a Virtuous mind, relying on the favour and blessings of Providence will lead us to this at last. And by its success convince the world of the Justice and uprightness of our Cause.

The 10th of March I returned home where I stayed seven or eight days then went down to Kent, where I stayed two weeks on my own private affairs, returned home to Wilmington the last of March and came again to Congress the tenth of Aprill, when I found Congress in the same imbarressed situation with their finances as when I left them. . . .

24. THE NEW YORK DELEGATES TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

PHILADELPHIA, March 11th, 1781.

Dear Sir,

The Representation which your Excellency Transmitted to Congress on Behalf of our State after a deliberate Commitment and Report has for several Days Engaged the Attention of Congress; ² The second proposition which you state for our Relief (to wit) to issue the New Bills in Satisfaction of the Commissary and Quarter masters Certificates, was Recommended by the Committee as the most Eligible; But they did not propose it as a partial But general Indulgence extending to all the States.

On making an Estimate of the probable amount of the Certificates in the Different States it was supposed that if they should be Discharged on that principle, the act of the 18th of March would be Effectually frustrated. The Report was therefore almost unanimously Rejected, as a very Capital Dependence for carrying on the approaching Campaign is placed on the four tenths to arise to the publick from the new Emission.

The first proposition to advance money to our State in Discharge of the Commissary and Quarter Master Certificates, however Just and Reasonable is put out of Question. The Exhausted State of our Finances Render it Totally Impracticable.

The last Expedient is attended with all the Difficulties and Inconveniences Suggested by your Excellency and Cannot be Embraced without operating greatly to the Detriment of publick Credit and Deeply Injuring the New Money. Other States, as North Carolina, Virginia, pennsylvania, and Connecticut were not Restrained by the prohibition of Congress from adopting the project. It has given them Temporary Relief and this seems to be all they Consulted. For nothing is more Certain than that if they issue only as much State money as they call in and cancel of the old Continental Bills the great object of the act of the 18th of March which was to diminish the Quantity of money in Circulation, and to Substitute a Real instead of a fluctuating and Nominal Medium of Commerce, must be Defeated, and our Finances continue as Deranged as Ever.

Congress however are fully Convinced of the Distresses and Sufferings of the State of New York as well as of their Spirited and Expensive Exertions in the Common Cause. And since they Cannot afford us Relief they will not be Displeased at any Measures Which the Legislature may

[24]¹ N. Y. Hist. Soc., Duane Papers, V. 268; Harvard Univ. Lib., Sparks MSS., XII. 159.

² See vol. V., nos. 632, 639, and no. 20, *ante*. Clinton's letter of Feb. 5, read in Congress Feb. 14, is in *Clinton Papers*, VI. 634. See also Clinton to Washington Feb. 14 (*Letters to Washington*, ed. Sparks, III. 228), and Washington's reply Feb. 19 (*Writings*, ed. Sparks, VII. 416).

think fit to adopt to Extricate themselves from their present deplorable Circumstances. And if the Emission of paper State Money appears to the Legislature to be the only or Best Remedy for those pressing Evils it ought not to be Rejected.

There can be no doubt but the Requisitions made on our State must undergo a Revision, Congress See the Necessity of it. Indeed when the Quotas were fixed we apprized the Committee (of Estimates and ways and means) of our Inability to Contribute so largely under our present Misfortunes. But finding it would lay a foundation for much Altercation as other States might Claim a Reduction of their Quotas, it was thought most advisable to wait for the Representation of the Legislature as a ground for Reasonable abatements. Nothing Can now be Exported from our State but what the Legislature shall Judge compatible with their Distresses. But care ought to be taken to point out what you cannot Supply, that it may be Required from the other States.³

We ought not to omit mentioning that your Excellency's Representation was communicated to the Assembly of Pennsylvania by the Committee to whom it was referred; with the Approbation of Congress. It was expected that this Assembly from Motives of Justice might have been prevailed on to advance Money out of their Treasury to pay for Flour which they and not we ought to have supplied. But it is reported to be out of their power: and a great waste of Time is the only Effect which has been produced.⁴

A Repeal of all Tender Laws is under Consideration. The Quarter Master complains that they have effectually closed all the avenues to credit and Confidence. The Citizens will not part with their property while they are compellable to take paper in payment which is not worth its nominal Value.

It is probable that another measure will soon be adopted. A late Law of Pennsylvania will not permit the old Continental money to be taken in under Seventy five dollars *old*, for one of the New Emission. The Act of New Jersey directs that the old money shall be paid in at its current value compared with Specie.

An Act of Maryland in effect nullifies the bills of the old Emission, after the Period by which they ought to have been called in by Taxes. These Measures introduce such Inequality and confusion and open a door to so much Speculation and Fraud, that it is in Contemplation to call in the old Emission after the time they ought to have been cancelled by Taxes agreeably to the Act of the 18th of March.

If our State shou'd think fit to pass a Law similar to that of Pennsylvania, or New Jersey, and Congress shou'd take decisive order to bring in the old Emission, It may be taken for granted that when Pennsylvania shall have issued their proportion of the New Money; the People of that State will be glad to exchange at your Treasury on the same Terms as others had in their own, rather than suffer the old Emissions to sink in

³ To this point the letter is in the writing of William Floyd; the remainder is in the writing of James Duane.

⁴ See the *Journals*, Feb. 28.

their Hands. This Event wou'd supply our State with the means of issuing the new Bills under vast advantages as 75 of the old dollars wou'd enable us to put in Circulation near four of the new; and the Debt of 200,000,000 Dollars wou'd be cancelled almost insensibly.

We have executed the Trust reposed in us by the Legislature respecting the Western Territory within our State. From the manner in which this business was conducted it was left to us to make the Session without a formal Treaty with Congress; We therefore availed ourselves of the discretionary Clause of our Instructions and have limited the State by a Western boundary which if there is any Correctness in the Map must include the whole of Lake Ontario and more considerably than 20 miles west of Niagara, and our Northern boundary we have limited by the 45th degree of North Latitude. But least it might possibly happen that this western boundary should fall short of the ultimatum assigned by the Legislature, we have made their ultimatum itself an alternative in that Case in the words in which it is expressed in the Instruction. Virginia Demanded in Consideration of the Cession she made which consists of her Claim to the North West of the Ohio an explicite Guarantee by the united States of her remaining Jurisdiction. If we had in express Terms made the same Condition it might have been liable to a construction that we were seeking a Benefit instead of conferring a favour; and yet it would have been imprudent to bind our State in a special Guarantee of the Jurisdiction of Virginia when our own was not secured in the same manner. We therefore thought it necessary to connect our Cession with an Act which subjects it to the Ratification or disallowance of the Legislature; unless our State receives the same Guarantee from the Confederated States as any other of its members which have made or shall make Cessions of Territory for the Common benefit. We flatter ourselves that this precaution tho not directed by the Legislature will meet with your Excellency's and their approbation. The authentic Copies of the Declaration and Instrument of Cession are herewith transmitted.⁵

The Government of New Hampshire has lately pressed Congress in the most express Terms to decide on the Vermont Claim of Independence which has given that State a full share of the fatal Effects of this Revolt. General Sullivan has accordingly moved Congress to come to a determination, and as he appears to be serious it is probable that they will give the Judgement which has been delayed but too long. General McDougall has undertaken to detail this vexatious business, to his Letter on this point we beg leave to refer.⁶ Mr. Robert Morris is elected Superintendent of the Finances and General McDougall Secretary of Marine but neither have yet declared their Acceptance. The late board of war is continued in the administration of that Department till the Fall, it being considered imprudent to hazard a Change when the Campaign is nearly opening. The Secretary for foreign affairs is not yet appointed.⁷

⁵ The New York act of cession is in the *Journals*, Mar. 1, 1781 (see vol. V., nos. 29, 93, 423). Concerning the Virginia cession see vol. V., no. 629, and *passim*; also no. 10, *ante*.

⁶ See no. 16, *ante*, and nos. 25, 192, *post*.

⁷ Cf. vol. V., no. 621 (note 2), no. 14, *ante*, and no. 25, *post*.

Our Southern operations wear the most promising aspect. Genl. Cornwallis is retreating, the Country armed on all sides of him and Genl. Greene in pursuit. In several Skirmishes we have had the advantage. Arnold is not in a better Situation as the Virginians supported by some Continental Troops will speedily be reinforced by the Marquis lafayette at the head of 1200 Light Infantry. We hope soon to send you agreeable Intelligence from these armies which will have a decisive Influence on our Affairs. The Collection of papers which are enclosed will communicate the particulars of our Southern operations and all the News.

We have omitted two important Objects of your Excellency's Representation: The Defence of the frontiers and a provision for the Oneidas. Your Excellency knows that the Commander in Chief has unlimited Authority to direct the Operations of the War and to dispose of the Troops at his pleasure,⁸ and we are confident his Sensibility and his particular Regard for our State will induce him to take every Measure for our protection which your Excellency may recommend as necessary. The Oneidas, we believe, are by this time in some measure relieved as the Commander in Chief acquaints the board of war that the Cloathing he had been able to spare wou'd he hoped be sufficient for the present to make them comfortable.

We are most unfortunate in the Importation of our Cloathing. Col. Lawrence and Col. Palfrey who are lately gone to France on publick business have this necessary Article in Charge and we hope they will be able to send it forward. There is nothing gives Congress so much pain as the delays, too probably the sinister designs and frauds which have exposed our Army to nakedness and distress: At a time when a considerable Quantity of Cloathing was actually purchased. We can't entertain a doubt but if these Supplies arrive our Oneida friends will have a share. At present while it is impossible to Cover our own Army they cannot expect to be provided for as their Sufferings and their Merit require.⁹

25. ALEXANDER McDougall TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

PHILADELPHIA, March 12th 1781.

Dear Sir,

I intended to have written to you very fully, by this Conveyance, but being indisposed for some days, I must defer it till another opportunity offers. I have not attended Congress, since the first instant, when the Confederation was compleated.

Colonel Floyd from his Circumstances, will be obliged to leave this, when the Roads are settled; and as the Confederation requires two

⁸ At this point the following sentence stands erased: "Congress will not interfere in the Campaign nor do I think you wou'd wish them to interpose, nor can it be necessary."

⁹ Subscribed to the letter are the names of Duane, Floyd, and McDougall, all in the hand of Duane.

[25]¹ *Clinton Papers*, VI. 683.

Delegates at least to represent a State, ours will be unrepresented, unless some of the Delegates come on about that time.

The Question of the New Hampshire Grants, will soon be settled, as the State of that Name urge its Delegates to press for a Decision, and there is great Reason to expect it will be a just and honorable one for our State. The Session made by Virginia to the United States, has removed the Cause of opposition, which Maryland gave, to have our dispute settled; and the other small States not near us, will cease their opposition, as the Cause of it is removed. Pennsylvania will urge a determination of their dispute with Connecticut, as soon as the business of their Legislature is over. This I had from their President, in a confidential Conversation with him, on the Subject of the New England encroachments. The influence of the Officers of the New England Lines, is considerable in their States; and the habits of thinking which they have acquired in the army, are more conformable to the genius of our Constitution, than the yeomanry of those States, who will unavoidably come into ours; and it is necessary the levelling principles of the Latter, should be tempered by those of the former.² . . .

Congress have elected me Secretary of the Marine, but I cannot think of quitting the field, in the active part of the Campaign; while so great part of our State is in the hands of the enemy. I have, therefore, informed Congress of this, as a Condition on which I will undertake the Charge of their Marine.³

The present State of it and their probable funds, will not take up the time of a qualified person in that Office, more than Six or eight Months of the year, when the proper arrangements are made for its government and future increase.

26. RICHARD HOWLY TO THE GOVERNOR OF MARYLAND
(THOMAS SIM LEE).¹

March 13, 1781.

Inclosed is a Majors brevet for Mr. E. Giles, a Gentleman of your State which has been voted him by Congress for his Merit and Services.

² See no. 24, *ante*. Gouverneur Morris wrote to Robert R. Livingston Mar. 14: "of Vermont this is the state—at Phila: our Delagates are very urgent with Congress to do what Congress cannot do, and what they have not the Inclination to do, if they could. Opposition has made Vermont just as opposition made Wilkes and yet we are not content. McDougall pressed me to state the claims of New York in a Pamphlet and I agreed because I saw there was a design to attempt it elsewhere and I thought I could write on that subject more in a style of Conciliation than Mr. Duane whose Mildness on other occasions I shall not question. Mr. Duane has done a great deal towards writing everything about it that is writable and has indeed said so much and so well that I can say nothing. I think silence will be best and therefore I shall say nothing. Genl. McDougall is appointed Minister of the Marine and the appointment of a Minister of War is postponed until october. I doubt whether Schuyler will be nominated. I think Green will be the man. The Duties of the Secretary of foreign affairs will I believe be annexed to the secretaryship of Congress at least for the present and Thompson will not want Industry enough. Morris to whom I have communicated what you wrote, this day deliveres to Congress a Letter which will open the way to his acceptance." N. Y. Pub. Lib., Bancroft Coll., Livingston Papers, II. 237 (copy).

³ The election was on Feb. 27. See vol. V., nos. 621 (note 2), 661, no. 14, *ante*, and the *Journals*, Mar. 12, 29, 30, July 6, 18, Aug. 29, Sept. 7; *cf.* nos. 67, 304, *post*.
[26]¹ Md. Hist. Soc., Red Book, XXIX. 43; *Arch. of Md.*, XI.VII. 123.

I do myself the honor, of transmitting it to your Excellency; with a request, it may be forwarded with convenient dispatch to the person for whom it is intended.²

27. THOMAS RODNEY TO CAESAR RODNEY.¹WILMINGTON March 13, 1781.²

Sir,

. . . . The completion of the Confederation I believe will ad[d] greatly to the vigor of the exertions of both the Union and Alliance. Congress are well disposed to be active in providing ways and means to carry on the War with spirit. They find from the information of their officers that the tender of the new money at the same value of specie, is a great hindrance to that credit they cou'd otherwise git in purchasing supplies and it is the general wish that they were out of the way for it was not their desire by the Resolution of the 18th of March that the Money should be made a Lawful Tender, at the Value of specie but that the States Should have convinced the people of its Value by the Certain Security of redemption—and in Connecticut where it is not a legal Tender it is in better credit than in Pensylvania so that you see the Moderation of our Law will not meet the disapprobation of Congress. . . .

28. JAMES LOVELL TO ELBRIDGE GERRY.¹

March 16 1781.

Dear Sir,

. . . . I wish I could give you better accounts from the southard than are circulating now. I must own I do not think Cornwallis is in any Danger of being ruined. He may be harrassed Somewhat. But he will reach a Port of Embarkation. I think this much more than probable.

² See the *Journals*, Mar. 9. Giles was brevetted "in consideration of his merit and services at the battle of Cowpens" (Heitman, *Hist. Reg.*). He had been an aide to General Morgan and had recently brought to Congress despatches from General Greene. See the *Journals*, Feb. 17.

[27]¹ Copied from the original, then in the possession of Mr. Stan. V. Henkels of Philadelphia.

² Elbridge Gerry, then at Marblehead, Mass., wrote to William Carmichael Mar. 13: "I am happy to hear that the American Bills on Madrid are current in Europe and will be duly honored. I was against the Measure for the Reasons suggested in your Letter, and stand recorded in the negative. It was reasonable to suppose that the Reconsideration of Smiths question would produce a Delay in the negotiation of the Treaty but the Ratification of the Confederacy by Marylands acceding to it, our Success at the Southard, the prospect of settling the Dispute with Vermont, and of having a permanent and respectable Army, are weighty Considerations and enable Congress to stand for 'the Rights of all the States'." N. Y. Pub. Lib., Emmet Coll., no. 9332.

See Carmichael's letters to the committee for foreign affairs Sept. 9, 25, Oct. 15, Nov. 28, and Dec. 19, 1780 (Wharton, *Rev. Dipl. Corr.*, IV. 51, 69, 99, 164, 198). The last two of these were read in Congress Feb. 12. Gerry appears to mean that he voted against drawing bills on Laurens and Jay. The vote on the main question, Nov. 23, 1779, shows Gerry's name and response, "no", both erased. He is recorded as voting "no" Nov. 29 on the propositions respecting the manner of drawing the bills. "Smiths question" probably means Meriwether Smith's proposition that the free navigation of the Mississippi River be made an ultimatum in the treaty with Spain. See the *Journals*, Sept. 9, 10, 11, 17, Oct. 13, 1779.

[28]¹ Furnished by courtesy of Professor S. E. Morison, of Harvard University.

An Express came with two Duplicate Letters of Doctr. Franklin, and many old Newspapers. It is the second Exertion of Zeal in that Way. The french Minister indeed had many Letters as well as Papers but the fr: Consul should have seen to the Portrage [*sic*] of them. The Expence is great. The other Time alluded to, a Horse was lost in Hudson's River, whereby the Public were brought to extra Cost for their old News Papers sent from Boston to York Town. . . .

We have decided today [to] recommend all Tender Laws so far as they respect Rates of Exchange. A large Tax is also recommended and the new Bills to be taken as Silver, tho we promise to pay all Debts in Silver or real current Exchange so that if the People still chuse to do it they may go on biting their own Noses, loading themselves with new Taxes to make good the Deficiencies which are caused by their specu-[la]ting Principles and Practice.²

I must quit. I have hurt myself of late by Watchings

yr. Friend

J. L.

29. JAMES MITCHELL VARNUM TO THE GOVERNOR OF RHODE ISLAND
(WILLIAM GREENE).¹

PHILADELPHIA 16th March 1781.

Sir,

. . . I send your Excellency all the Journals of Congress that have come officially: I wish, for the honor of my Country, they contained some of those Master Strokes of Policy that would adorn the History of Mankind. But great Bodies move slow; and the Tediousness of their Deliberations forms a Sacrifice to be offered up at the Shrine of Freedom.

Congress have nearly finished their Estimates for the present Year, and the Demand to be made upon the States, in Addition to those already required. I hope they will soon be transmitted.² A Plan is also maturing for the States to enable Congress to oblige the Delinquent States to do their Duty. This as it will be additional to the Articles, must be first proposed to the States for their Ratification. It is finished in a Committee; And I hope will be approved by Congress. Should it, and the States acquiesce, the willing States will be greatly relieved.³ . . .

² In the first part of this letter, which chiefly pertains to private matters, Lovell refers to the question of a proper rate of exchange, then remarks: "My Friends pd. from 75 to 78, but perhaps it may have been raised a little by a Run of Paper from this Quarter or it may have fallen by 'the arrival of a french Frigate at Boston with four million Dollars'." On the margin he has written, "News of the Day!"; and some other hand has written beneath this remark, "Fama Malum etc." Lovell requests Gerry to deliver some money to his wife or endeavor to turn it into "Chink"; then follows this remark: "N. B. The Quakerish Disaffected here in bargaining ask whether you intend Chink or *Limber-Chink*, meaning the new Continent'l." The draft of Gerry's reply is written in the blank space below Lovell's signature and is dated Apr. 17, 1781.

[29]¹ R. I. Arch., Letters to the Governors, 1780-1781, p. 38; Staples, *R. I. in Cont. Cong.*, p. 333.

² See the *Journals*, Mar. 14, 16, 23.

³ Cf. vol. V., nos. 627, 669, and no. 10, note 2, *ante*. The committee, consisting of Varnum, Duane, and Madison, was appointed Mar. 6 (see the *Journals*, p. 236, note 2) and brought in a report Mar. 16, the day on which Varnum was writing. The report,

30. JESSE ROOT TO THE GOVERNOR OF CONNECTICUT
(JONATHAN TRUMBULL).¹

PHILADELPHIA, March 16, 1781.

Please your Excellency,

Mr. Brown arrived here day before yesterday, and we were honoured with your two letters with their enclosures. The act of Assembly vesting Congress with the power of levying duties on imports for so limitted a period as three years after the end of the war, I fear, will in a great measure defeat the important ends proposed.²

Our debt is very considerable now and will be annually increased while the war lasts; can it be supposed that those duties with the other aids the States will be able to give will be sufficient to discharge the national debt within that period?

Besides, Congress have no resources for supplies or funds on which to obtain a credit but from the States, and can the States furnish us with either in so easy and equitable a way as by duties and imposts? It would be easy to borrow money at home or abroad were we possessed of funds commensurate to the loans, or even to the interest of the sums we need. At present we are obliged to draw bills of exchange on our Minister at the Court of France at a great risque and sell them at a great loss.

Congress in a Committee of the whole have agreed to report that an estimate of the sums wanted for the current year, beyond those allready called for, be transmitted to the States, and that they be called upon for 6,000,000 of dollars to be paid in specie or the new Continental bills in quarterly payments. I think that the old Continental bills should be called in or exchanged at their current value, and that the new bills should issue equal to specie. In this case neither the public or individuals can suffer and there is nothing in the resolves of Congress that contradicts this. The Committee of the whole have likewise agreed to report to recommend to the States to amend their laws making paper bills a tender otherways than *ad valorem*.³

I enclose some extracts from Govr. Jefferson's letter, which contains the substance of the intelligence from the southward.⁴

I must leave Congress by the middle of April. Genl. Woolcot designs to leave it sooner, and Mr. Huntington is determined to go home about

dated Mar. 12, is printed in the *Journals* under May 2, the day on which it was taken into consideration. It was then referred to a grand committee, that is, a committee composed of a member from each state. The report was principally drawn by Madison, who on Apr. 16 sent a copy of it to Governor Jefferson with a request for his opinion. On July 20 the grand committee made a report, was discharged, and the business referred to a committee consisting of Randolph, Ellsworth, and Varnum. This committee brought in a report Aug. 22, which is printed in the *Journals* under that date. The report was made the order of the day for the next day; but it was allowed to sleep. Cf. no. 19, *ante*, and nos. 30, 48 (note 3), 64, 65, 209, *post*; see also Bancroft, *Formation of the Constitution*, I. 23 *et seq.*

[30]¹ Mass. Hist. Soc., *Collections*, seventh ser., III, 208.

² See vol. V., nos. 633, 638, 641, 642, 644, the *Journals*, Mar. 15, 22, and nos. 38, 39, 52, *post*.

³ See no. 29, *ante*.

⁴ This was doubtless Jefferson's letter of Mar. 8 (*Writings*, ed. Ford, II. 486; *Official Letters*, II. 393).

the last of April. Some gentlemen must come on or the State will be without a representation in Congress.

March 17th: The resolutions mentioned to have been agreed in Committee are now passed in Congress and will be forwarded by Brown.

Mr. Robt. Morriss is elected Superintendant of Finance, Genl. McDougal, Secretary of Marine; both have given their answer, but state terms which Congress have not yet decided upon.⁵ Exchange between the old Continental and specie is 130 for 1. It seems pretty well confirmed that the British only cut out the American vessels at St. Eustacia.

31. JAMES LOVELL TO ELBRIDGE GERRY.¹

March 20th 1781.

Dear Sir,

Yours of the 1st reached me yesterday by Post and I have also to express my Obligation for one of the same date written to us jointly about a Regulation wch is not now essential so far as *one Voice* was intended to serve in the Delegation. But I wish not to be going on without having *our Suppression of the Novr. Order* sanctified. We have written for the Purpose.²

I inclose you some Proceedings of a few Days old which will be forwarded to the Government together with a Proclamation for a Fast the 1st Thursday in May. I hope we shall have great occasion to rejoice also. Much may be done by the allied Force in Chessapeak and I hope the Dutch will instantly combine with France and Spain. George 3d is downright Bobadil at this Period. If you do not get the News before this reaches your Hand you will have it by the Gazette inclosed to all the Extent we have.³

Give my affectionate Compl[iments] to Doctr. Holten. I intende[d to] write to him in answer to his fa[vor] by Brown, but I am forced to scr[atch] this at a Window and am too tire[d to] scratch more than that I am

Sincerely yours

J L

32. WILLIAM FLOYD TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

PHILADELPHIA, March 20th, 1781.

Dear Sir,

On account of some disagreeable Information which I have recd. from my family, as well as on some other accounts, I am under a necessity of returning home, and shall set off in a few days. I considered it my duty to Inform your Excellency of this, that some person may come on, to represent the State.

⁵ See nos. 14, 24, 25, *ante*.

[31]¹ Furnished by courtesy of Professor S. E. Morison, of Harvard University.

² See vol. V., nos. 550, 573.

³ See nos. 32, 35, 38, *post*.

[32]¹ *Clinton Papers*, VI. 709.

By the Inclosed paper of this day's date, you will see the manifesto of the King of Britain, which amounts to a Declaration of War against the Dutch. This appears to be a rash measure, and looks like the Effect of Desperation—what will be the Consequences among the neutral powers of Europe is not Certain, but we have reason to expect that the armed neutrality will in general disapprove of the Conduct of Britain.² . . .

33. JAMES DUANE TO MRS. DUANE.¹

PHILAD. 20th March 1781.

My Dearest Polly,

I have written by this Conveyance to our Governour giving him notice of my Intention to return home as soon as the Roads permit, and requesting that some of the other Gentlemen may be sent to Keep up our Representation in Congress. Whether the Legislature complies with my request or not I shall, I flatter myself, be with you before the first of May as I most impatiently long to be with you.² . . .

P. S. I omitted to mention that the British have declared War against the Dutch and taken St. Eustatia, Curocoa and 60 Vessels in the Texel. This Event will give us another ally. . . .

34. DANIEL CARROLL TO THE GOVERNOR OF MARYLAND
(THOMAS SIM LEE).¹

PHILADELPHIA March 20th, 1781.

Dear Sir,

I did myself the honor of writing to yr Excellency a few lines by express the 18th Instant and enclosed a List of the force of the two fleets.²

The Board of war referd to Congress two Letters from Your Excellency on the Subject of Col Smith, and the 4 Artillery Companys. These papers are refered to a committee of which I am one. I shall be glad to receive every information in your power on the Subject, Particularly relative to the Artillery Companys. I believe there are among the Council papers, some Letters from Genl. Washington, and returns showing that almost the whole of Harrisons Regt of artillery was compos'd of Maryland troops. Extracts of what may appear proper from these letters, and a copy of the returns (which I cannot get from the board of war) may

² Cf. no. 31, *ante*, and nos. 35, 38, *post*. A letter from the Virginia delegates (Madison and Bland) to Governor Jefferson Mar. 20, giving an account of military and naval affairs, is in Hist. Soc., of Pa., Dreer Coll., Soldiers, I.

[33]¹ N. Y. Hist. Soc., Duane Papers, I. 111.

² Robert R. Livingston wrote to Schuyler (from "Cler Mount") Mar. 28: "Have you provided for the delegation? McDougal will quit, Duane will either be elected president or return home soon. The chair will be vacant soon by Mr. Huntingtons retiring. Duane, Jones, Matthews are talked of" (N. Y. Pub. Lib., Schuyler Papers, no. 1261). Cf. no. 40, note 3, *post*.

[34]¹ Md. Hist. Soc., Red Book, V. 77; *Arch. of Md.*, XLVII. 134.

² The letter is in Md. Hist. Soc., Red Book, V. 76, and *Arch. of Md.*, XLVII. 134, but is dated Mar. 20. A brief note dated Mar. 18 is *ibid.*, p. 131, but it relates to a Dr. Carroll of the Convention troops.

serve to put that business in a way to obtain justice. The State appears to have been injured by the arrangement, and some of her Officers in consequence of it.³

35. WILLIAM CHURCHILL HOUSTON TO THE GOVERNOR OF NEW JERSEY
(WILLIAM LIVINGSTON).¹

PHILADELPHIA, 22d March, 1781.

Dear Sir,

The subject of the Dutch war engrosses the conversation here. The capture of St. Eustatius has interfered very deeply with the property of several merchants in the city, and some of the best ships belonging to the port have been lost in the fracas. I cannot think either from the whole circumstances of the case or from the tenor of the manifesto,² that Great Britain is persuaded the United Provinces will engage in a war, but rather that it is expected they will descend, as, I am sorry to say, they have sometimes formerly done to unworthy compliances and patch up the matter under conditions of ample indemnification in point of property, which no doubt Great Britain will offer. My hope is greater than my Confidence that the Dutch will not depart from the principles which have raised them to a nation, and given them rank among the powers of Europe, and knowing that your Excellency has a correspondence there and a reputation probably still more extensive than your correspondence, I take the liberty to suggest and observe what in all likelihood has already occurred, that letters dispatched forthwith to that country either directly, or by such circuitous conveyance as opportunity may present, will be of essential service. To this may be added, with good effect, candid strictures on the manifesto, which lies very open to remark and refutation. These may be published immediately here, they will soon find their way to Europe, and a request may be sent to publish them there as American sentiments. These things I beg leave to submit to your excellency's attention.

23d March in the morning.

It should seem by the last New York paper brought to town, and by some reports from below that either the French or British fleet have got into the Chesapeake, but it is doubtful which it may be.

³ The Maryland letters to the board of war Feb. 2 and 12 are in *Arch. of Md.*, XLV. 297, 308. The board made a report Mar. 7, which was referred to the committee mentioned by Carroll.

On Mar. 13 the Maryland delegates, Hanson and Carroll, requested a three-months' allowance as delegates, adding, "We beg leave to premise that the Maryland State money does not pass here" (*Arch. of Md.*, XLVII. 122). Governor Lee wrote Mar. 23, lamenting "that it is not in our Power to supply you with any Money" (*ibid.*, XLV. 361). Apr. 6 he reported the treasury in the same state of exhaustion (*ibid.*, p. 379). Cf. nos. 47, 93, 108, *post*.

[35]¹ Harvard Univ. Lib., Sparks MSS., no. 49, vol. III., p. 219.

² See nos. 31, 32, *ante*, and no. 38, *post*.

36. THE PRESIDENT OF CONGRESS TO THE SEVERAL STATES.¹

Circular
Sir,

PHILADELPHIA March 23, 1781.

Your Excellency will receive herewith enclosed two Acts of Congress of the 16th and 23d Instant.²

But what will more particularly claim the Attention of your Legislature as of great Importance is the requisition for six Millions of Dollars.

It is with Reluctance that Congress are compelled to make this Requisition, but the absolute Necessity of the Case will appear so obvious that we presume the respective States will yield a ready and chearful Compliance therewith to the utmost of their Power.

37. JAMES LOVELL TO SAMUEL HOLTEN.¹

March 23, 1781.

Dear Sir,

. . . . I will give you on the next page the Result of that Appointment of a Com'tee of which you was one April 10. It is only giving *Good Words* to some of the Staff.²

You will find that we got very happily through a Resolve respecting Allen's Department at the Eastward. The Resolve has been transmitted.³

[P. S.] The Resolve was reconsidered and recommitted. I therefore tear it off.

38. SAMUEL HUNTINGTON TO THE GOVERNOR OF CONNECTICUT
(JONATHAN TRUMBULL).¹

PHILADELPHIA, March 24, 1781.

Sir,

I have been honored with your Excellency's two letters of the 8th instant, with the several papers to which they refer. The limitation of the Act empowering Congress to levy a duty, etc., to three years after the expiration of the present war, doth not comport with the resolution of Congress or answer the design of it.

[36]¹ Md. Hist. Soc., Red Book, VIII. 42; *Arch. of Md.*, XLVII. 142; Mass. Arch., CCIII. 266; Va. State Lib., Executive Papers; Harvard Univ. Lib., Sparks MSS., XII. 165; N. J. State Lib.; Library of Congress, President's Letter-Book, p. 253; *N. J. Rev. Corr.*, p. 277.

² The act of the 16th was that respecting the payment of debts in specie, and requesting amendment of laws making bills of credit legal tender; that of the 23d the requisition for 6,000,000 dollars.

[37]¹ *Essex Inst. Hist. Colls.*, XIII. 227.

² See vol. V., no. 616. Apr. 10, 1780, a committee, consisting of Holten, Peabody, and Burke, was appointed to report upon proper compensation to the staff of the army in consequence of the depreciation of the currency. This committee made a report (drawn by Holten) May 10, which was recommitted. Mar. 7, 1781, Thomas Burke, the only remaining member of the committee, brought in a report, which was adopted, but was reconsidered and recommitted Mar. 9. It was evidently the resolve of Mar. 7 which Lovell, as mentioned in his postscript, tore off. See further the *Journals*, May 24, June 2, Oct. 5.

³ Col. John Allen. See the *Journals*, Feb. 15. Lovell wrote also Mar. 23 to John Avery, secretary of the Massachusetts council, transmitting the resolves of Mar. 22 respecting the impost, debts, etc. Mass. Arch., CCIII. 267.

[38]¹ Mass. Hist. Soc., *Collections*, seventh ser., III. 215.

The proceedings of Congress relative to this subject, as also the several other despatches contained in your Excellency's letters, will be forwarded immediately after they are completed.²

Before this comes to hand your Excellency will probably have heard of the British manifesto and their violent attack upon the Dutch, their shipping and property, which must produce some important change of affairs in Europe.³

I am once more earnestly to request that a delegate may be sent to relieve me as soon as possible. Genl. Woolcot and Col. Root both expect to leave Congress in the course of a few weeks, when the State will be unrepresented, and I cannot think of enduring the burden and confinement of my present situation another summer.

39. OLIVER WOLCOTT TO THE GOVERNOR OF CONNECTICUT
(JONATHAN TRUMBULL).¹

PHILADELPHIA, 24th March, 1781.

Sir,

I have been honoured with your Excellency's letter of the 7th instant, with the Constitution or Articles of Government of Connecticut in 1638. The renewed Charter of Charles the 2d has also been recd. Before these came to hand it became necessary to print the Constitution of our State according to the Act of Congress.²

Your Excellency will receive from the President a recommendation of Congress to the State to revise and amend their late law vesting the United States with power to collect certain dutys, so as that it shall comport with the former recommendation of Congress on this head.³ The reasons for this recommendation are clearly stated in the Act of Congress. The non compliance of the State in the manner recommended gave some surprize, as Congress had been full in the opinion, not only with regard to the necessity but the justice and utility of the measure, but supposed that our State would have a clear interest in supporting it, as their consumption of foreign articles much exceeded their imports, and that the dutys, if they were not collected for a general benefit, would (as they had in this State began to be) levied for a local advantage, which would operate most unjustly, as the consumers must pay the tax, and consequently if they live in a different State would be charged with taxes for local and partial purposes for which they could not derive the least benefit, and would notwithstanding the payment of these taxes be charged with their full quota of debt to the United States. That this was a circumstance which when well understood by the States would produce severe altercations, if not timely prevented. It is true the Act of Congress does not propose that the States should have the exclusive right to regulate this affair, which perhaps it might have been well if it had provided for. But

² See no. 30, *ante*, and nos. 39, 52, *post*.

³ See nos. 31, 32, 35, *ante*.

[39]¹ Mass. Hist. Soc., *Collections*, seventh ser., VII. 210.

² See no. 38, *ante*.

³ See nos. 30, 38, *ante*, and no. 52, *post*.

probably no State will enhance the duty for themselves. It was observed likewise that the Convention who met at Hartford had recommended the measure, and that Connecticut had commissioners in that Convention, and that the State had not signified their disapprobation of what had been done by them. The Assembly of this State are now sitting; it is said that they will adopt the measure, which, so far as I have heard, is well approved of in this place.

Your Excellency will likewise receive a recommendation that the States collect, in quarterly payments, six millions of dollars in specie or the new emission, beginning the first of June.⁴ I shall make no other observation upon this measure than that it will be obvious that the portion assigned to Connecticut is too high compared with Massachusetts and some other States. In this Congress have governed themselves by former precedents, except by lessening the quotas of N. York and N. Carolina, and placing this deficiency proportionably on the other States. In this place I will observe to your Excellency that we have but the least reason to expect money from abroad. This has been so clearly communicated that we must depend upon it.

The Commissary Genl. of Purchases complains that by reason of the scanty supplies of fresh provisions the army are fed with that which is salted, in a great measure. This circumstance will be severely felt the next summer unless rectified, as we are officially acquainted that a cooperation against the enemy is designed. The Commissary also says that there is a most unreasonable deficiency between the beef charged the publick and what is delivered to the army. This accusation is general.⁵

The rate of exchange here is 130 dollars old money for one in specie. This occasions vast quantities to be sent on to the eastward; and indeed the people from thence are here buying the old money, as the exchange is so much lower there than here. I mention this circumstance, as I suppose that a depreciation at the eastward may be expected soon to take place. This old money is continually undulating from one part of the continent to the other, and productive of all the mischief which can attend a fluctuating medium. But I will make no observations, but state facts upon which your Excellency is the best able to judge with regard to what measures may be the most proper to be adopted. . . .

40. OLIVER WOLCOTT TO OLIVER ELLSWORTH.¹

PHILA[DELPHIA, March 24? 1781.]

Sir,

I wrote to [you sometime ago] informing you that I [planned to return] Home early in the Spring, [and I believe] that I mentioned to you the first of April. But whether my Letters have been recd. by you I am not able to say. Mr. Huntington and Mr. Root will probably con-

⁴ See the *Journals*, Mar. 23.

⁵ The letter of Ephraim Blaine, commissary-general, Mar. 8, was read Mar. 19 and a report upon it was made Mar. 23, but was not acted upon (see the *Journals*, p. 298 n.).

[40]¹ London, Congregational Library, Sprague Collection (addressed, "Hon. Oliver Ellsworth Hartfo[rd] Connec[ticut]").

time here till the latter end of April, at which Time they will Return. Wheither the State has supplied the Vacancies made in the Delegation by the Death of Mr. Hosmer and the Resignation of Col Adams I am not informed.² I hope S'r that it will not be inconvenient for you or some other Gentleman to attend Congress by the Time when I shall leave it. I shall think myself justified in Returning Home by the Time I purpose, as my Domestick affairs render it necessary, and as a confinement from Exercise has been injurious to my Health.³

I have no News but what you will find in the publick Papers. Congress are upon the Subject of Finance. But nothing has been lately effected upon this Head. My Compliments to Mrs. Ellsworth.

I am Sir with much esteem

Your most obedt. Servt.

OLIVER WOLCOTT

41. JESSE ROOT TO THE GOVERNOR OF CONNECTICUT
(JONATHAN TRUMBULL).¹

PHILADELPHIA, March 24th, 1781.

Sir,

England has declared war with the States of Holland,

Thus the unfortunate capture of Mr. Laurence's papers will probably be productive of the most fortunate events to America; this is marvelous to consider.

The old Continental bills continue to depreciate, nor do I think it at all probable that any of the States will get their quota out of circulation by the time prescribed. I need not repeat to your Excellency the necessity I am under to return home by the middle of next month, and that the State will be without a representation unless I am relieved. I have enclosed the December *Journals* and some newspapers.

P. S. The Minister of France has informed that the 2nd division will arrive early this spring, and wishes us to be ready to cooperate with them. The officers of the Convention troops are ordered to Simsbury, in Connecticut, or such place as your Excellency and Council shall order. I am informed there is about 40 in number and will be sent on directly.²

² Titus Hosmer, who had been chosen a member of the Court of Appeals, had died in August, 1780. The new election of Connecticut delegates took place in May, 1781. Andrew Adams had been chosen to the delegation in May, 1780, but had not attended. He was again chosen in May, 1781. A similar passage is in the letter to Governor Trumbull Mar. 24 (no. 39, *ante*; there omitted).

³ Wolcott obtained leave of absence Apr. 13 (*cf.* no. 52, *post*) and Root appears to have taken his departure shortly afterward. With regard to Huntington's retirement see the *Journals*, May 8, 10, July 6, 9, 10, and nos. 116, 190, *post*. Even at this time the question of the presidential succession appears to have been in agitation. See no. 33, note 2, *ante*.

[41]¹ Mass. Hist. Soc., *Collections*, seventh ser., III. 214.

² See Richard Peters (for the board of war) to Governor Trumbull Mar. 26, *ibid.*, III. 217. The order for the removal to Simsbury was adopted Mar. 23 (*Journals*, p. 301). *Cf.* no. 231, *post*.

42. THE PRESIDENT OF CONGRESS TO GEORGE WASHINGTON.¹

PHILADELPHIA, March 26, 1781.

Sir,

Congress have been pleased to refer to your Excellency the enclosed Letter of the 21st Instant from Colonel Wood, soliciting in Behalf of Lt. Colonel Hill the Liberty of being indulged his Parole to go to England, as also the Letter of the 20th Instant from Lt. Col. Dubuyson, desiring that a similar Favor for himself may be made the Condition on which Lt. Col. Hill's Request should be granted; if obtained

The Circumstances of Lt. Colonel Dubuyson, from the Wounds he received at the Battle of Camden, seem to entitle him to an equal Indulgence with the other Officer.² . . .

43. JAMES LOVELL TO SAMUEL HOLTEN.¹

March 27th, 1781.

Dear Sir,

. . . . You will have your wish as to Bermuda. All saving Clauses of former Resolves respecting that Island, and respecting Settlers and the Importers of Arms, etc. will be repealed unless so far as that the Repeal shd not condemn Vessels now in port or *Bermudians* with *Salt only* arriving before the 1st of May. You will not publish my Communications unless I send the Acts of Congress.² I hope you will see that the unparalleled Distress of Congress in Money Matters leaves no Remedy but calling upon such States as are *able* to furnish enough for our Necessities without affecting the true Quota which individual States ought to pay upon the confederal Principles.

43A. JAMES LOVELL TO ELBRIDGE GERRY.¹

March 27, 1781.

Dear Sir,

I yesterday received your Favors of the 5th and 12th. . . .

Baron Arendt would be very glad to be a Pensioner upon us in the military Line or to be sent as our Agent to Prussia. He had been home on Furlough for his Health, being burstan, he outstaid his Time, is not established, but having determined to come over again, The *Chamber of Commerce* in Prussia or Somebody of that Kind instructed him to inform them of the nature of American Commerce, which is no more than

[42]¹ Library of Congress, Washington Papers; *ibid.*, President's Letter-Book, p. 255.

² See the *Journals*, Mar. 21, Apr. 5.

[43]¹ *Essex Inst. Hist. Colls.*, XIII. 227.

² See the *Journals*, Mar. 16 (motion of Madison, p. 270), 26, 27 (the ordinance relative to the capture and condemnation of prizes); *cf. ibid.*, Aug. 9 (motion of Virginia delegates), 14 (pp. 861, 870), and nos. 234, 248, 257, 266, *post.* For earlier action relative to Bermuda see especially the *Journals*, Oct. 2, 22, 1775, June 5, 6, July 24, Aug. 2, 1776, Nov. 27, 1778, Apr. 19, 23, May 5, 7, 17, 18, 1779, Aug. 4, 11, 30, Sept. 22, 1780; see also vol. III., p. 320, vol. IV., *passim*.

[43A]¹ N. Y. Pub. Lib., Townsend-Gerry Papers, from the collection of Mrs. Annette Townsend Phillips, a descendant of Elbridge Gerry.

what our commercial Com'tee ought to do to any American Officer who was going to serve abroad.²

I dare not show your Vermont anecdote to Jammy D—— as pious McDougal almost swore.

For Conscience Sake weigh well our Request of the 5 pr. Cent Impost. I have sent to Mr. Avery a Resolve upon the Connecticutt Act:³ see it for your Information. He will make one of his Clerk's copy it upon yr. Request, if you are not at Boston.

We shall this afternoon put an End to all favorable Exemptions which the Bermudians have had in the Admiralty Courts, and also to the Priviledges heretofore granted to Persons coming to settle.⁴

44. THE VIRGINIA DELEGATES TO THE GOVERNOR OF VIRGINIA
(THOMAS JEFFERSON).¹

PHILADA. March 27, 1781.

Sir,

On the receipt of your favor of the 22d of February inclosing the Memorial of Mr. Stodder and Kerr with the protests and affidavits annexed, we communicated the matter to Congress, and have obtained an instruction to the Hon'ble Mr. Adams to represent the same to the States General of the United Provinces, and to claim such redress for the Memorialists as justice and the law of Nations require. We have also received your Excellency's favor of the 15th instant relating to Mr. Nathan with the several papers under the same cover and shall carry your Excellency's wishes into execution in the best manner we can.²

Capt. de la Touche is arrived here from the French fleet,

We have the honor to be with the most perfect respect and esteem y'r Excellency's Obt. and humble Servants

JAMES MADISON JUNR.³
THEO'K BLAND

² See vol. V., no. 599.

³ See the *Journals*, Mar. 15, 22.

⁴ See no. 43, *ante*.

[44]¹ Copied from the original, then in the possession of Mr. Stan. V. Henkels of Philadelphia.

² Jefferson's letter of Feb. 22, transmitting the memorial of Stodder, Kerr, and North, is in *Official Letters*, II. 370; his letter of Mar. 16 respecting Simon Nathan is *ibid.*, p. 410. Concerning the memorial see the *Journals*, Mar. 26. On Mar. 27 was read in Congress a letter from Jefferson to the President, dated Mar. 21, giving an account of the action at Guilford Court House, as related to him by Capt. Anthony Singleton, who was in the action (*Official Letters*, II. 421). In a letter to Thomas Rodney Mar. 29 Nicholas Van Dyke gave a summary of Jefferson's letter, adding, "This I call a very good account; for if Greene is so strong as to attack the enemy, he only has to keep up the ball awhile, and he must effectually ruin his Lordship. Two more such victories would probably Burgoyne him and his veterans". Henkels, *Catalogue*, no. 683, item 360, extract.

³ Mar. 27 Madison transmitted to the auditors of public accounts for the state of Virginia his account as delegate in Congress from Dec. 20, 1780, to Mar. 20, 1781 (Va. State Lib., Executive Papers).

45. THOMAS BEE TO [JOHN LAURENS].¹

PHILADELPHIA 28 March 1781.

Dear Sir,

. . . . I flatter myself soon to hear of your safe arrival and success in your Negotiation. The Minister told me a few days ago the business you went on would be done ready to your hands, if so I shall expect the pleasure of seeing you 'ere long, th[ere] having been no attempts in Congress to delay you in Fran[ce] after the business you went on is compleated.² You will see a piece in some of the late papers signed "an Independant American," the author said to be S'r Jas. Jay,³ who applied to be sent Secretary to Doctr. Franklin but failing in that endeavoured to be Elected Secretary of the Marine, a new Establishment to which General McDougal has been appointed. this has chagrined the Knight and he takes this Method of venting his Spleen agt. Congress, but no Notice will be taken of his performance by them. The accession of Maryland to the Confederation which is now compleated and a call of Congress on the States to enable them to lay a Duty on Imports, (which has been complied with already by some of them and I think will by all) to establish permanent funds for paying the Interest of their Debts, and give an additional credit to their paper money,⁴ are two Events which I am hopeful will enable them to carry on the War with more vigour than heretofore. the Duties are to be payable in Gold and Silver only. they have also recommended a repeal of all the Tender Laws, which will soon bring Specie again into Circulation. . . .

46. WILLIAM CHURCHILL HOUSTON TO THOMAS MCKEAN.¹

TRENTON 31 March 1781.

Dear Sir,

I left a Line for you at my Lodgings before I came out of Town, to which I make no Doubt you will give Attention, as the Subject of it is so nearly connected with the Justice and Honour of Congress.

I will frankly confess to you that my mind labours under a Load of Anxiety respecting the Settlement of the Powers of the Superintendent of Finance, and indeed the whole Business of that Department.² It appears to me that there is no Alternative. Those Powers, or similar ones, must be vested in some one Person, in Order to extricate our Affairs from the

[45]¹ N. Y. Pub. Lib., Emmet Coll., no. 1206.

² Concerning the mission of John Laurens see vol. V., no. 540, note 2. In the *S. C. Hist. and Geneal. Mag.* (XXII. 87) is a letter from Ralph Izard to John Laurens, dated Mar. 27, likewise expressing the "hope that you may have executed the business that has been intrusted to you, with advantage to your Country, and honour to yourself". Izard, though not at this time a member of Congress, was evidently in close touch with the delegates from his state.

³ Cf. no. 46, *post*.

⁴ See nos. 30, 38, 39, *ante*.

[46]¹ Hist. Soc. of Pa., McKean Papers, I. 45.

² McKean was a member of the committee on executive departments (see the *Journals*, Jan. 6), and Houston was chairman of the committee appointed Mar. 21 on Robert Morris's letter of Mar. 13. See the *Journals*, Mar. 14, 15, 20, 21, 29, 31, Apr. 20, 21, 26, 27, May 14; see also vol. V., no. 661, and nos. 14, 25 (note 2), *ante*, no. 48, *post*.

Confusion in which they are at present involved. The Board of Treasury only make bad, worse. To go on in the present Train is *absolutely impossible*. A total Stagnation must soon take Place, and Ruin cannot be far off. Were our Affairs in a State of *Beginning*, Powers so extensive would not be necessary; but perplexed, deranged and clogged with Abuses and Mismanagements as they are at present, it really appears to me that less Powers would be altogether unavailing. Economy is now our only Resort, our other Resources, you know, are reduced to a very narrow Compass. This Economy never will, indeed never can be introduced by a Body constituted as Congress is; I venture to say it never will be practised by their Boards as they now are. They seem to know Nothing about either getting Money or saving it. These things must, if they are ever well done, be the Work of *one Mind*. I am clearly convinced that our Affairs cannot be otherwise retrieved from their present desperate disjointed State with respect to Money-matters.

I was in Congress but a very few Days, but during those few Days near 100,000 Dollars were voted to a Member or two of Congress, the Deputy-Secretary and a Clerk in the Treasury.³ Would not this have relieved many poor People who are almost starving for their Interest of money in the Funds, or almost ruined through the Failure, on our Part, of fulfilling Contracts? Who can justify these Things? and can Congress suppose they will be borne with? And yet this will ever be the Case while the Expenditure of the publick Money is managed as at present.

As to the Gentleman who is elected Superintendent of Finance, I have no great Acquaintance with him, nor more Predilection for him than any other capable and upright Man. He is acknowledged a Man of Abilities and Character, and I believe if he has Time given him will yet retrieve our Affairs, Almost hopeless as they are in that Line. But it is the Trust I speak of and not men. What he has to do cannot be done without efficient Powers, and Congress may at length see the Necessity of giving those Powers, when a less capable Man must have them.

I foresee Clamours, Memorials and Resignations, but if Congress refuse a Measure on that Account, no Reformation will ever take Place. However Diana of the Ephesians is not so great as she was in the Year 1778 and 9 when Men were paid a large percentage for contriving the Means of squandering the publick Money. See what a Man says of Congress in the Papers because he was disappointed of an Office.⁴

If however [you] cannot think of conferring the Powers without Limitation, restrict them to the Duration of the present War, or to a Year, or

³ Houston was in attendance at Congress from Mar. 21 to (probably) Mar. 30, the day before this letter was written. The appropriations to which he refers were doubtless these: Mar. 23, 20,000 dollars of the old emission to Thomas Burke of North Carolina; Mar. 27, 20,000 to George Bond, deputy secretary of Congress; Mar. 27, 10,000 dollars to John L. Clarkson, clerk of the board of treasury; Mar. 29, 20,000 to Samuel Johnston of North Carolina. There was also a warrant for 20,000 dollars ordered Mar. 31 to be issued to John Mathews, delegate for South Carolina, but it is doubtful whether Houston knew of this latter item. Including this, the aggregate is 90,000 dollars, and as the appropriations were all in the "old emission" its actual specie value was small. According to the rate of exchange mentioned by Madison and Wolcott Apr. 3 (nos. 50, 52, *post*), namely, 135 for 1, the total of these appropriations would be 666 $\frac{2}{3}$ dollars.

⁴ See no. 45, *ante*.

so many Years for Experiment. Desperate Diseases require peculiar remedies. The Power of Suspension you are convinced will not do. Trusting much to your Friendship and great good sense I have written freely, but I hope not impertinently.

I am sincerely yours
W. C. HOUSTON

47. JOHN HANSON TO THE GOVERNOR OF MARYLAND
(THOMAS SIM LEE).¹

PHILADELPHIA Apl. 2d, 1781.

Sir,

Mr. Carroll and I wrote to your Excellency and the Honorable Council by last post, requesting a supply of one thousand Dollars cash of the new Emission,² but at the present Exchange, I find that Sum will be insufficient to answer my Immediate purposes. The exchange between gold and silver, and the Emissions of the 18th March Issued by the State of Maryland, is as 40 to 140, so that one silver Dollar is equal to three and a half. I must therefore request that my Sum may be increased to fifteen hundred Dollars—for which I will be accountable at the Exchange that may be settled by the State. . . .

48. JAMES MITCHELL VARNUM TO THE GOVERNOR OF RHODE ISLAND
(WILLIAM GREENE).¹

PHILADELPHIA, 2nd April 1781.

Sir,

. . . . We are not in the best Situation to oppose the British Efforts. The great Departments are very deficient in Supplies of every kind, and public Credit will not answer as a Substitute for Money. There are two Obstacles to that Energy and Vigor wch are absolutely necessary in the United States. In the first Place, the United States have not vested Congress, or any other Body, with the Power of calling out effectually the Resources of each State. The Articles of Confederation give only the Power of apportioning. Compliance in the respective states is generally slow, and in many Instances does not take Place. The Consequence is, Disappointment, and may be fatal. In the second Place, an extreme, tho perhaps well-meant Jealousy, in many Members of Congress, especially those of a long Standing, seems to frustrate every Attempt to introduce a more efficacious System. Prudent Caution against the Abuse of Power, is very requisite for supporting the Principles of republican Government; but when that Caution is carried too far, the Event may, and probably will prove alarming. We have experienced a recent Instance of political Diffidence. Mr. Robert Morris of this City, has been chosen Financier. Previous to his final Acceptance, he insisted upon the Power of removing

[47]¹ Md. Hist. Soc., Red Book, V. 50; *Arch. of Md.*, XLVII. 159.

² See no. 34, note 3, *ante*, and nos. 93, 108, *post*.

[48]¹ R. I. Arch., Letters to the Governors, 1780-1781, p. 47; Staples, *R. I. in Cont. Cong.*, p. 334.

from Office, all Persons entrusted with the Expenditure of the public Money, for Abuse, Fraud, etc., without being answerable, except to the party injured in the courts of law. Without this Authority, he despaired of introducing Economy, so essentially important at this critical Situation. A Majority decided against the Proposition. The consequence is, we are replunged into our old Situation, so agreeable to some Gentlemen, and I fear, shall not be able to effect a Reformation in Point of Revenew and Expenditure, wch some Time since, many of us hoped and firmly expected.² Sentiments of this gloomy Cast may appear, Sir, to some, as the result of a fickle or envious Disposition; But beli[e]ve me, I should be silent upon such Topicks, if I was not apprehensive of the most serious consequences. My Duty, or a mistaken Idea of it, obliges me to hazard a Conjecture, That the Time is not far distant when the present American Congress will be dissolved, or laid aside as useless, unless a Change of Measures shall render their Authority more respectable. Our Time is consumed in testing executive Business, while Objects of the greatest Magnitude are postponed, or rejected as subversive in their Nature, of democratical Liberty. If political and civil Liberty can be enjoyed amidst the Din of Arms, in their utmost platonic Extent, I confess my own Ideas are perfectly wrong; but if the kind of Government sufficiently energetic to obtain the Objects of Peace when free from invasion, is too feeble to raise and support Armies, fight Battles, and obtain compleat Victory, I know of but one eligible Resort in the Power of the United States. That is to form a Convention, not composed of Members of Congress, especially those whose political Sentiments have become interwoven with their Habits, from a long Train of thinking in the same way. It should be the Business of this Convention to revise and refrain the Articles of Confederation; To define the aggregate Powers of the United States in Congress assembled; fix the Executive Departments, and ascertain their Authorities. Many other matters, subservient to these general Ideas Would come before them, and their Powers should be extensive in point of Ratification; But the System to be by them adopted should expire at a given or limited Time. This plan, if rational and necessary, must be Recommended by the Legislature of some one State, as the same Policy which I have mentioned, will prevent a Recommendation taking Place in Congress. It would probably affect some Gentlemen in a Tender point, as having been in Congress more than three years, they might be deemed unqualified Members, wch offends them extremely when even hinted, altho the Articles of Confederation are very clear upon that head.³

. . . .

² See vol. V., nos. 621 (note 2), 654 (note 3), 661, and nos. 14, 46, *ante*.

³ See nos. 19, 29, 30, *ante*, 64, 65, 209, *post*. Varnum's advocacy of a constitutional convention is one of the definite expressions on the subject at this period. Even before the adoption of the Confederation Schuyler had, in the New York legislature, been leading a movement to that end (see his letter to Washington Jan. 21, 1781, in *Letters to Washington*, ed. Sparks, III. 213); and earlier still (Sept. 3, 1780) Alexander Hamilton had set forth his views in a letter to James Duane (*Hamilton's Works*, ed. J. C. Hamilton, I. 150-168). See also Duane to Washington Sept. 19, 1780, in vol. V. of these *Letters*; cf. Bancroft, *Formation of the Constitution*, I. 12-14, 29.

49. SAMUEL JOHNSTON TO JAMES IREDELL.¹

PHILADELPHIA, April 2nd, 1781.

Dear Sir:

. . . . We have reason to expect essential reinforcement from our ally: I am not at liberty to be more particular.² There are many things I would wish to say as well regarding the public as my *private affairs*, but the fear of my letters miscarrying withholds me.

50. JAMES MADISON TO THE GOVERNOR OF VIRGINIA
(THOMAS JEFFERSON).¹

PHILADA. April 3d, 1781.

Dear Sir,

. . . . The letter from the Delegation by the last post informed you of the arrival of the Stores here which were to have been delivered in Virginia by one of the French Ships. The infinite importance of them to the State, especially since the arrival of a reinforcement to Arnold of which we are just apprized by the Marquis has determined the Delegates to forward them by land without loss of time. This will be attempted in the first instance in the channel of the Q. Master's Department and if it cannot be effected in that mode without delay we propose to engage private Wagons for the purpose on the credit of the State. Should the latter alternative be embraced, I find it will be necessary to stipulate instantaneous payment from the Treasury on the arrival of the Wagons at Richmond, in Specie or the *old Continental currency* to the *real* amount thereof. I mention this circumstance that you may be prepared for it. The expense of the transportation will be between five and six hundred pounds, Virginia Money. The exchange between specie and the old paper here at present is about 135 for 1.²

51. SAMUEL ADAMS TO CALEB DAVIS.¹

PHILADA. April 3 1781.

Dear Sir,

I have just receivd your favor of the 17th Ulto. by Mr. Dugan. The Request he proposes to make to Congress for Liberty to bring his Effects from Ireland, cannot be complied with consistently with the inclosed ordinance, which strictly forbids all Intercourse between the Citizens of the United States and the Subjects of Great Britain. There have been so

[49]¹ McRee, *Life of Iredell*, I. 498.² See the memorial of the minister of France, in the *Journals*, Mar. 24; cf. nos. 12, 15, *ante*.[50]¹ Library of Congress, Madison Papers, Ac. 1081; *Madison Papers* (ed. Gilpin), I. 84; *Writings* (ed. Hunt), I. 127.² In *Cal. Va. State Papers*, II. 8, is a letter from Madison and Bland to Governor Jefferson pertaining in part to this matter of the stores. The omitted part of Madison's letter relates to certain Virginian refugees taken by the commander of the French squadron, Capt. Le Gardeur de Tilly of the ship *L'Eveill  *, on his return from the Chesapeake to Newport. A representation from the delegates to the French minister, to which Madison refers, dated Apr. 2, is *ibid.*, II. 4. See also Jefferson's letter to Tilly Feb. 28, *Official Letters*, II. 175; *Writings* (ed. Ford), II. 469, dated Feb. 25; cf. no. 94, *post*.[51]¹ *Writings* (ed. Cushing), IV. 253.

many undue Advantages taken from Indulgences of this Kind, as to render the Continuance of them unsafe to us and disgustful to our ally. I shall always pay a due Regard to your Recommendations, and should have been particularly desirous of rendering Service to your Friend Mr. Dugan whom I personally know and of whose Integrity I have no Reason to doubt.²

52. OLIVER WOLCOTT TO SAMUEL LYMAN.¹

PHILADELPH'A, 3d April 1781.

Sir,

Your favour of the Ult. inclosing some Acts of our Legislature etc. have been received.²

The old money here is continually sinking, Exchange is 135 for one. Vast Quantities of this Money has been and is going on to the Eastward where the Exchange is not so great. But that will probably not long be the Case. This money exists [as] the opprobrium of America, and I always tho't We ought to get rid of this Dishonour by cancelling the Bills as soon as possible. This I have long been convinced will not be effected by Taxation. some other equitable Mode ought therefore to be adopted to put an end to that Speculation and Injustice which is not only practiced by Individuals, but by one State to another. The Act of the 18th of March in its great Principle in my apprehension was just and necessary to be adopted. I wish that it had been farther extended. But the ignorance, the insidious and unworthy Views of too Many Individuals perhaps rendered a more extensive Plan inexpedient. But Justice and publick Necessity will before long compel the States to adopt Measures more difinative with respect to their Money.

This State has passed a Bill Vesting Congress with the Power to collect the Impost precisely according to their Requisition. this Day it is said that it will be passed into a Law of the State without scarcely any opposition. I was much surprised that Connecticut had adopted this measure in so partial a manner, not only as I am fully convinced that it is the only mode by which a Tax of this kind can be equitably laid. But as our State consume much more than they Import they have a particular interest in adopting the measure.³

My domestic affairs are such that I shall judge it my duty to leave congress soon. I expect to be at home about the 20th of this month.

N. B.

The Eastern mail expected in here this week, I hear is taken and carried in to New York.⁴

² A petition of Cumberland Dugan, dated Sept. 7, 1780, had been laid before Congress Sept. 23, and an adverse report had been offered Sept. 29. The report does not however appear to have been adopted. The ordinance referred to was probably the resolves of Mar. 23, 1776. Cf. vol. V., nos. 404, 409-412.

[52]¹ Haverford College, Roberts Coll., 720; Conn. Hist. Soc., MSS. of Oliver Wolcott, sr., III. (copy).

² In October, 1779, Samuel Lyman had been appointed a member of the committee on pay table.

³ See nos. 30, 38, 39, 45, *ante*. Wolcott discusses the merits of the measure.

⁴ The *Royal Gazette* of Apr. 4 announced: "On Saturday another Rebel Mail was brought to this City, taken last Thursday, with Montaigne the Post rider, who was in

53. JAMES DUANE, DRAFT OF A MANIFESTO RESPECTING
HENRY LAURENS.¹[ca. April 4, 1781.]²

Congress see in the Treatment of the honourable Mr. Laurens formerly their President, and now one of their publick Ministers, a fresh proof of the sanguinary disposition of the Court of Great Brittain, and of how little Avail in their Estimation are the Laws of Nations sacred throughout all the rest of the civilized world, when opposed to the Intemperance which marks their publick Councils. It is now well known that Mr. Laurens in his passage to Europe was intercepted and conducted to England by a british Frigate: that on a warrant signed by three british Secretaries of State he was committed to the Tower of London; and that a Suspicion of Treason is assigned as the only Cause for his Imprisonment: In short that the whole of this extraordinary procedure is calculated to fix upon this respectable Patriot the Odium and the Consequences of high Criminality.

The Causes of our happy Revolution have so often been illustrated in the publick Appeals of Congress that it is unnecessary to discuss them minutely. It is our greatest Glory that they have produced such general Conviction of our Grievances our Rights and our moderation! Conviction founded on the Basis of artless Truth, and not to be shaken by the suggestions of Malice. Is it not from these Sentiments that the profuse

person brought to town by the captors. It contained a great number of letters in the bags from New England, Rhode Island, Connecticut, Fish-Kill, New Windsor, etc. The Public may depend on the genuineness of the following Letter." The letter referred to was from General Washington to Lund Washington, Mar. 28. In the issue of Apr. 6 was printed a letter from Oliver Wolcott, jr., to his father, dated at Hartford Mar. 25. In the issue of May 9 appeared a letter from Washington to Governor Benjamin Harrison of Virginia, dated Mar. 27.

[53]¹ Library of Congress, Madison Papers, XIII. 45.

² On Dec. 21, 1780, a committee (Duane, Witherspoon, and Burke) was appointed "to take into consideration the case of the hon. Henry Laurens, made a prisoner on his passage to Europe, and said to be committed to the tower of London, on suspicion of high treason, and to report thereon". On Mar. 2, 1781, the committee brought in a report, drawn by Witherspoon, but action was postponed, and the report is named in the list of reports presented Aug. 23, 1781, which "ought not to be acted upon". On Apr. 3 Thomas Bee offered a motion, seconded by McKean, that the commander-in-chief be directed to recall General Burgoyne and other officers, prisoners of war, who were absent from America on parole, "unless the Honorable Henry Laurens, Esqr., be also enlarged on his parole". The motion was adopted, except for the clause respecting Laurens, which stands erased in the *Journals*. However, it was ordered the same day that the committee on the case of Laurens bring in "a manifesto on that subject". This production by Duane is evidently the committee's compliance with that order. Although it is placed here under Apr. 4, as in all probability the first day on which the manifesto could have been offered in Congress, it is altogether probable that it was never presented to Congress at all. In any event the *Journals* contain no reference to the presentation of the manifesto by the committee, neither has a report of this character been found among the papers of Congress. Nevertheless Laurens's case continued to receive consideration. On June 11 a committee on letters of General Moultrie and a memorial of officers who were prisoners of war at Charleston presented a report (drawn by George Walton) dealing in part with Laurens's case; on June 14 it was resolved to offer General Burgoyne in exchange for Laurens, who, on the same day, was chosen to be one of the peace commissioners. See no. 54, *post*; also Madison's motion of Dec. 3 (*Journals*). The question of exchange subsequently shifted from Burgoyne to Cornwallis. See nos. 365, 402, 423, *post*.

offers of our Enemies for Succours, to every power of Europe, upon whom they hoped to make an Impression, have, with very few Exceptions, been disdainfully rejected? Is it not from these Sentiments that we have been supported by the Arms of France and Spain and honoured by the Approbation and good wishes of every Friend to mankind! Indeed the Policy of the british Councils immediately after the Close of the last War—a War rendered succesful by our vigorous Cooperation—can never be received without Astonishment and Indignation! While the mouths of their King and Parliament were filled with our Praises, While we were warmed with the Expressions of their gratitude and their unsolicited Grant of a Reimbursement for what it was confessed we had advanced beyond our proportion and our Abilities—An Arbitrary and ruinous System of administration was adopted for enslaving the Colonies. Without the shadow of authority; in defiance of our Constitution, Charters and Usages, in violation of our Natural Rights as Men; of our privileges as freemen; of our Equality as Subjects of one Common Sovereign their Parliament arrogated a Right to controul and dispose of us at their own Pleasure. A Parliament confined to the Representatives of the Freeholders and Citizens of the Island of Great Brittain alone! A Parliament equally indifferent to our Applause or our Resentment; ignorant of our Wants and our Circumstances enriched by our Oppressions; and in all Subjects of Impost and Taxations independent of Interference of the common Sovereign. A Parliament so totally independent of the Colonists that they held it inconsistent with their Dignity to receive a Petition praying for Redress of a Grievance. Such a Parliament elevated to office by Venality and exercising its functions under the absolute controul of a Minister: had the Insolence to declare that they and their Successors could of right bind the Colonists in All Cases whatsoever, in their Consciences their Jurisdictions their Lives their Liberty their property! A Discrimination so fatal to social Liberty, and which reduced us from Members of a free Government, to the Condition of Slaves to our fellow Subjects could not fail of spreading universal alarm. Before the first Sessions of Congress in 1774 this Parliament had proceeded without Reserve to pass the most irritating and unconstitutional Acts: Such were those for imposing Duties for the purpose of raising a Revenue in America for extending the power of Admiralty beyond their proper Limits depriving the American subject of his Trial by Jury and for creating a new offense in America and subjecting the Accused to be transported for Trial and Punishment to England; and for stopping up the Harbour of Boston Altering the Charter and Government of the Massachusetts bay. To these grievous and oppressive Acts and measures America could not submit; but it was resolved to try the effect of a Commercial Opposition; of an Appeal to the People and a Remonstrance to the King of Great Brittain. It was not believed that Justice and Humanity could be banished from an enlightened Nation, or that they who so highly valued the Blessings of Liberty would persist in the disgraceful office of forging Chains for their Friends and Children. Will future ages believe that—instead of

Redress our Just Remonstrances produced Contempt, a denial of Justice, and a formidable Armament to compell us to unconditional Submission? Is it then seditious that we refused tamely to surrender the Rights of Men, and the Blessings of Liberty, handed down to us by the Virtue and the Valour of our Ancestors? Is it seditious that we opposed the Strokes of Arbitrary power when we were furiously invaded? Tyrants alone are incapable of discerning the distinction between a rebellion and a just Resistance against intollerable and high handed Oppressions. The establishment of the Liberties of the Netherlands and the Swiss Cantons; and the Transfer of the Crown of Great Britain from the Stewart Line to the House of Hanover are Examples of Succesful Resistance against Arbitrary power which are commended and Justified by our Enemies. On the Lawfulness of such Resistance their present Government is established. A wise Prince woud have felt the force of Principles which are the Basis of his Throne. He woud have perceived that Patriotism is more than a name since it encircles his Brow with a Diadem. He woud have abhorred the suggestion that a Respect for the Rights of Mankind is incompatible with the Social Duties.

Let us consider the Nature and the Rights, of a Civil War, according to the Law of Nations; and apply its Maxims to the Condition of the United States: Hence we shall more clearly perceive how destitute of foundation is the Attempt of the british Court to impute to Mr. Laurens the Crime of *suspicion of Treason*, against that Government.

“If there be War between part of the Citizens on one side with the Sovereign and those who continue in obedience to him on the other, it is sufficient that the mall contents have some Reason for taking arms to give this disturbance the name of civil War and not that of Rebellion. This last Term is only applied to such Insurrection as is void of all Appearance of Justice. The Sovereign never indeed fails to term Rebels all subjects openly resisting him: but where these become of strength to oppose him so that he finds himself compelled to make war regularly on them he must be contented with the Term of Civil War.” “Things being thus situated it is very evident that the common Laws of war founded on maxims of Humanity moderation and probity are in civil wars to be observed on both sides. The same Reasons on which the Obligation between State and State is founded render them even more necessary when two incensed parties are destroying their common Country. Shoud the Sovereign conceive he has a Right to hang up his Prisoners or to burn and destroy[,] the opposite party will follow the Example and the War become cruel and horrid.” Thus we are taught by the Law of Nations; and how applicable are these maxims to the Events of the present war! Have not the Efforts of the Enemy been serious powerful and persevering? have they not wasted the Lives of mighty Armies and expended countless millions to reduce us to Slavery? Have we not in the face of their fleets and Armies and in the high Tide of ³

³ The remainder of the draft is missing.

54. THE PRESIDENT OF CONGRESS TO GEORGE WASHINGTON.¹

PHILADELPHIA April 5, 1781.

Sir,

I have the Honor of transmitting your Excellency the enclosed Resolve of the 3d Instant, directing the Recall of Lieut. General Burgoine and all other Officers Prisoners of War now absent on their Paroles from America to return immediately

It is proper to inform your Excellency, that this Resolution is adopted in Consequence of Information, that the late President Laurens is confined in the Tower of London as a State Criminal, under Pretext of his being guilty of treasonable Practices

Should this Resolution embarrass or impede any Measures your Excellency may have adopted relative, or preparatory, to a general Exchange of Prisoners, it is taken for granted you will please to represent the same to Congress previous to any Proceedings for carrying the Resolve into Execution.²

55. THE PRESIDENT OF CONGRESS TO GEORGE WASHINGTON.¹

PHILADELPHIA April 7, 1781.

Sir,

I have the honor to enclose copies of letters received this morning which from their importance it is judged necessary to communicate to you with all possible Expedition.²

56. WILLIAM SHARPE TO NATHANAEL GREENE.¹

PHILADELPHIA April 7th, 1781.

My dear General,

I have received your very obliging letter of the 18th ulto. and am the more thankful, as I know you can afford but little time to correspond with individuals. The sufferings, distresses and losses of your army pains me to the heart, and be assured that for some time past there is nothing in our power unattempted for your relief, altho our embarrass-

[54]¹ Library of Congress, Washington Papers; *ibid.*, President's Letter-Book, p. 260.

² See the *Journals*, Dec. 21, 1780, Mar. 2, Apr. 3, 4, 1781; also no. 53, *ante*, and nos. 73, 164, 168, *post*.

[55]¹ Library of Congress, Washington Papers; *ibid.*, President's Letter-Book, p. 261 ("N. B. The like to the Presidents of Pennsylvania and Delaware and the Governors of Maryland and Virginia"); Md. Hist. Soc., Red Book, VIII. 36; *Arch. of Md.*, XLVII. 166.

² The enclosures were the letters of Governor Livingston (Apr. 5) and Gen. David Forman (Apr. 2), read in Congress Apr. 7 (*Journals*, pp. 359, 365 n.), giving news of Clinton's embarkation. Copies of them are in the Washington Papers, and also with the Maryland letter. It was ordered that they be sent also to the executives of Pennsylvania (see Reed to Speaker Muhlenberg Apr. 7, *Pa. Arch.*, first ser., IX. 61), Delaware, and Virginia. See further the *Journals*, Apr. 8, and nos. 58, 75-78, 80-82, 85, *post*; also a letter from the Maryland council to the special council of the Eastern Shore, Apr. 10, in *Arch. of Md.*, XLV. 390.

The letter to Washington bears an endorsement, "information that the Enemy mean to take a post in Delaware. Ans'd 12th". The letter to Maryland is endorsed, "with Intelligence from the northward".

[56]¹ William L. Clements Library, Clinton Papers; Library of Congress, Personal, Ac. 2009 (copy).

ments are infinite. And give me leave also, my dear Sir to assure you, that your conduct and your officers and men, especially of the permanent part of your army, is not only universally approved (as far as I have heard) but even admired.

We have just now received intelligence from New Jersey copies of which is enclosed. I can scarcely believe it is Sir Henrys object to come into the Delaware, but it is not altogether improbable, in order to divert the pennsylvania line from going to the southward. That line is now ready to march a detachment of 1000 men if they were paid 37,000 dollars new emissions which will soon be ready for them.

Ere this reaches you, you will have heard of the operations of the French and British fleets on this coast—the former, altho disapointed, deserve great praise.

Not a word of the arrival of the second division of French nor of the cloathing and stores for the Army. Inclosed I send you a copy of an inquiry and report of the board of Admiralty on that and other subjects, to show that the blame does not lie on Congress nor Docr. Franklin. Of this the Army and the Legislature ought to be acquainted.

The copy would have been certified by the secretary of Congress, but you will observe that it is not their Act, only an enquiry and report for their information. It is nevertheless a true copy which I have procured for your particular information.

We have not heard the effects, in europe, of England's declaring war against the united Provinces—their Navy must be greatly weakened by the captor of so many seamen as England must take before they can look about them.

I am in great haste, the express waiting

Be so obliging as to make my best compliments to the Officers under your command. With the highest sentiments of esteem and respect I have the honor to be Dear Sir your most obt. Humble Servt.

WM. SHARPE

57. SAMUEL JOHNSTON TO JAMES IREDELL.¹

PHILADELPHIA, April 8th, 1781.

Dear Sir:

. . . . You will easily judge that great delay in the deliberative councils of so numerous a body as Congress must necessarily take place; add to this, that the frequent change of the members does in almost every instance break in upon the best digested systems, and renders inefficient the best concerted measures. *Much time is too often spent in debate, and there is no man of sufficient credit or influence to take the lead, or give a tone to the business.* Another circumstance which prevents Congress from taking its measures with a greater degree of confidence and decision is, the inattention which the States pay to the measures recommended by that body. I am fully satisfied that if the States would implicitly comply with every requisition of Congress, even when the propriety of the measure was not evidently apparent, it would be attended by the most

[57]¹ McRee, *Life of Iredell*, I. 500.

salutary consequences, *as there is not the least reason to doubt but Congress, both as a body and individually, are disposed to do what is right, and appear to me in almost every instance that has fallen within my observation to be actuated by the most virtuous and disinterested motives.* In a few, very few instances, I have suspected individuals to be influenced by local or personal considerations, and this less often than might be naturally expected in so large a body.

Never was a poor fly more completely entangled in a cobweb than Congress in their paper currency. It is the daily subject of conversation in that body; but our situation is so very intricate and delicate that I have as yet heard no proposal that is not subject to numberless objections. Dr. Burke, who is to be the bearer of this, has just called to tell me he is not to leave this for some days.

April 12th. I was in hopes to have had some European intelligence before I closed this letter; but Doctor Burke is to go in the morning, and there is nothing authentic from that quarter. . . .

Your own discretion will direct you not to make my sentiments on this subject public; should you mention them to any of our particular confidential friends, I hope they will be cautious to keep it secret as I would not wish that anything which drops from me should occasion any degree of despondence. . . .

58. THE PRESIDENT OF CONGRESS TO THE GOVERNOR OF VIRGINIA
(THOMAS JEFFERSON).¹

PHILADELPHIA April 9th 1781.

Sir,

Your Excellency will receive enclosed an Act of Congress of the 8th Instant recommending to the Executives of the States of Delaware, Maryland and Virginia respectively to take immediate measures for the removal of all public stores, and also all provisions and forage public and private which will not be necessary for the consumption of the Inhabitants on the Peninsula between the Chesapeake and Delaware Bays, to prevent such articles falling into the enemy's hands: I should suppose it equally expedient to include valuable horses tho' they are not mentioned in the Act.

This recommendation is in consequence of intelligence received from New York the substance of which is prefixed to the enclosed act, although it is presumed you will have received the intelligence before this comes to hand.

As future events must determine with certainty the designs of the enemy, so future intelligence may influence the measures now recommended, yet it is to be hoped such precautions may be taken as will prevent any valuable supplies of any kind falling into the enemy's hands should they attempt to execute their designs as reported.²

[58]¹ Va. State Lib., Executive Papers; Library of Congress, President's Letter-Book, p. 263 ("N. B. The like to President Rodney and Matthew Tilghman Esquire"); Md. Hist. Soc., Red Book, VIII. 38; *Arch. of Md.*, XLVII. 174 (to Matthew Tilghman). The letter to Rodney was listed in Henkels, *Catalogue*, no. 1189, item 211.

² See the *Journals*, Apr. 8; cf. no. 55, *ante*, and nos. 75-78, 80-82, 85, *post*. A special session of Congress was held Sunday evening, Apr. 8, to take action upon the intelligence

59. THE PRESIDENT OF CONGRESS TO THOMAS RODNEY.¹

PHILADA. April 9, 1781.

Sir,

I am directed to request your Attendance in Congress as soon as possible. There are but eight States at this Time represented in Congress, a Circumstance by no Means proper in the present Situation of Affairs

As Chief Justice McKean sets out this Day on the Circuit to be absent some Time, it is necessary that two Delegates from the Delaware State give their Attendance immediately.²

N. B. The like to Mr. Vandyke.

60. THE PRESIDENT OF CONGRESS TO WILLIAM CHURCHILL HOUSTON.¹

PHILADA. April 9, 1781.

Sir,

By Direction of such Members as are present I am to request your Attendance in Congress as soon as possible. It is to be hoped you may arrive by the Time of meeting to morrow

There are at present but eight States represented, which will probably remain to be the Case until you arrive, a Circumstance in the present Situation of public Affairs by no Means proper or agreeable.²

61. THOMAS RODNEY, DIARY.¹

[April 11-14, 1781.]

April 11th. this day I took my Seat in Congress again.²

[*April 12*] A Letter from Genl. Washington being read Setting forth that there was the greatest necessaty for the detachment of 1200 men under the Marquis now at the head of Elk, and the Pensylvania line to go to the Southward, and that he was fearful they Could not go etc. with pay etc.³

received of Clinton's embarkation. The board of war wrote to the governor and also to the executive council of the Eastern Shore, Apr. 13, that the commissary-general of purchases had been given orders to remove the stores, and requested assistance (Md. Hist. Soc., Red Book, VII. 213). See also *Arch. of Md.*, XLV. 406. Matthew Tilghman was president of the executive council of the Eastern Shore.

[59]¹ Library of Congress, President's Letter-Book, p. 264.

² The original letter to Rodney was listed in Henkels, *Catalogue*, no. 1236, item 11. A like request was addressed to William Churchill Houston (no. 60, *post*). See also no. 74, *post*. A committee appointment Apr. 12 suggests that McKean was still in attendance on that day.

[60]¹ Library of Congress, President's Letter-Book, p. 265.

² Cf. no. 59, *ante*.

[61]¹ Library of Congress, Rodney Papers.

² Rodney says (no. 23, *ante*) that he returned to Philadelphia Apr. 10.

³ The letter from Washington here referred to was evidently that of Apr. 8 (*Writings*, ed. Ford, IX. 207, ed. Sparks, VIII. 1), which, according to the *Journals*, was read in Congress Apr. 12. This record in the Diary should no doubt have borne the date Apr. 12. It is to be observed that no entry bearing that date lies between this and that for Apr. 13. In connection with the letter of Washington to Congress see his letters to Lafayette Apr. 5 and 6, and that to Wayne Apr. 8 (*Writings*, ed. Sparks, VII. 468, 469, 472).

In this case it appeared that the detachment under the Marquis, as well as the pensylvan'a expected pay to be advanced them beside paying up arrears, and it did not appear that there was money in the Treasury sufficient for this and other purposes without Calling for the 6/10 of the new money subject to the order of Congress; and that a sufficient quantaty of the old Money had not yet been recd. to enable them to Call for this portion of the new money agreeable to the Resolution of the 18th of March. However a motion was made that Congress should Call for the whole 6/10 of the new Money immediately, and it was argued by the movers that it was absolutely necessary that the troops should march immediately to the Southward, that they would not march without the pay and arrears which they expected, and that Congress had no other means of paying them but by taking and applying that money. This was warmly opposed because it was alledged that it would totally subvert the intention of the Resolution of the 18th of March, besides that the money in question being issued by the special authority of the respective States Congress Could not take it Contrary to the Tennor of their Laws.

After a Multitude of arguments on both sides this plan was set aside and another introduced. It was alledged that the Assembly of Pensylvania had appointed a Committee to borrow as much of this money of Congress in the Loan Office of that State as would pay their line and that they would repay Congress again by the first of June, and by this Consent of that State Congress might draw that 6/10 of the new money and therefore it was moved that Congress should lend the State of Pensylvania four hundred thousand dollars on the Condition of their paying it again by the first of June, To enable the State to satisfy their troops that they might March immediately to the Southward and the necessaty of the Case was strongly urged to induce this. But it was objected that this would give Pensylvania an undue advantage of the other States, and that there could be no reliance on that States repaying the money, or they would have provided for this exigency before this time as it was known to them so long ago, that twenty eight thousand pounds would pay those troops, therefore the sum mentioned was more than necessary and indicated some other application. But that at any rate If Congress paid those Troops out of their own Money, or Lent it to Pensylvania which is the same thing it would occasion a mutiny in the other troops who had a right to expect as much of Congress as those of Pensylvania etc. etc. The arguments on this subject took the day and at last the plan was rejected and two other plans offered by a Gent. from Virginia and one from Massichusets was refered to a Committee of five.⁴

[Following this account of proceedings in Congress is the following passage, commenting upon the conduct of business in that body:]

It is to be lamented that Congress is so deficient in the abilities of Financing that no member is capable of offering a System that is worthy the Establishment of Congress, none whose Ideas are at the same time both simple and Systematical enough for this purpose. Both the plans

⁴ The two plans referred to were offered by Oliver Wolcott of Connecticut and Meriwether Smith of Virginia, respectively, found in the *Journals*, pp. 376, 378.

now offered are deficient in this respect. They are both too Complex and inchoherent to be admitted, therefore will probably occasion much debate and no Effect. While our affairs related to simple Constitutional questions only the Americans appeared great, indeed because every man was naturally raised up amidst the most pure and Clear principles of Liberty that ever has been practiced or enjoyed by Society. But having paid very little or no attention to the study of useful knowledge farther than was necessary to Conduct their own occupations, now their matters has grown Complex and extensive they appear unable to Conduct them in the best manner, notwithstanding the advantages of Literature, and the sciences which they have made a rapid progress in and are not deficient on that account. This has confirmed me in what I always thought best, that is, that the Study of useful knowledge is of much greater advantage in the great affairs of state as well as in Common business of life, and that a refined and even extensive knowledge in the Languages and sciences is of very little use unless Connected with, and used as the aid of useful knowledge—That is a right understanding of men and things, their passions, dispositions, properties, qualities, and use, Considered both simple and Compound, by practice and Experiment regulated by theory as near as may be.

April 13th. Great part of the time of Congress being taken up by the Consideration of various officers and others particularly for Money, it was now, in substance resolved that such applications hereafter shall be made In the first Instance to the Auditors Treasury etc. etc. to be adjusted and allowed by them agreeable to general principles directed by Congress from time to time.

A resolution was moved by Genl. Varnum, introduced by words like the man himself, *arora borialis fine* indeed but not well adapted to the occasion for Conferring on John Paul Jones what he well deserved—The Thanks of Congress and a gold Meddal, for his truly brave and splendid action as a naval officer.

These favours were opposed in some measure as untimely by that Cautious Senator S. Adams, who only urged that such favours being the highest in the power of the States (and next to those of Heaven) ought to be granted with cautious deliberation. But it was alledged that the Services for which these favours were urged had been known to Congress and the World, that no further dilibration was necessary. However as the resolution wanted amendment it was Committed.

[At this point in the Diary are recorded the following reflections on money and the Revolutionary finances:]

Previous to the revolution, there not being enough gold and silver money in america to Serve as a circulating medium the deficiency was made up by paper money which being issued in such quanti[ties] only as was found absolutely necessary for that purpose and redeemable by Certain funds, it always passed at the Value Stamped thereon in all the provinces, where these essentials were adhered to. But in New England where they Issued too much on account of the last War the money depreci-

ated to $1/20$ part of its nominal Value. Upon the Commencement of Hostilities between great Brittain and America, the Congress finding that the greatest part of the specie had been sent out of the Country, and that this together with the total Stoppage of trade put it out of their power to lay taxes, began to Issue paper money upon no better fund than their pledging the faith of the States that it should be redeem'd with specie agreeable to the Value stamped on the Bills. The Virtue of america co-operating with the necessity of the Case prevailed so far that while this money amounted only to the quantaty of a necessary Circulating medium it passed Current in all the Colonies at its nominal Value—Till 1777. But Congress finding they had such a ready and easy fund to support the war neglected the economy and other steps necessary to keep the quantaty within these bounds. And the staff and purchasers for the army finding how they might lavish it away and amas fortunes took advantage of the Case, and made occasion for such large emissions that the quantaty soon began to Co-operate with the endeavours of the disaffected, in depreciating it, And congress took no wise or valuable step to Check or prevent this 'till too late, and then every endeavour they made was so unfortunately Contrived that it still increased the evil. Tender Laws were made, two large Missions were called in, all increased the doubts and fears of the people respect'g the money. Congress then confirmed the depreciation by settleing a regular scale as far as 40 for one—and Stopped issuing at the sum of 200,000,000 Dollars.

The depreciation still proceeded rapidly so that the Taxes Collected for publick use would not answer the demands and the Congress pressed by necessity adopted the system of the 18th of March 1780. This being materially defective in several things and particularly in having the execution of it Committed to the respective States, they proceeded upon it in different modes so that the good effects that might have flowed from it were in a great measure lost by this means. And now that the States are in the utmost distress for want of money they feel little or no relief from that System because they Cannot Command the use of the new money for want of the old having [been] timely exchanged, and what they have being depreciated in the very issuing by tying it to the old money at a Certain exchange which differs in most of the states etc. etc. etc. it does not answer the wished for purpose. When we Consider the use of Money, and what it is that makes it useful it is no wonder that our Revolution paper money has all failed, there not being any essential fund to support it.

We are therefore now greatly in debt, and have not money to pay them; and most that has been paid since the Money depreciated, have been Cheated by this means out of what was their Just dues, and the rest have no Certain security for what is due them, only a late resolution of Congress that they shall be paid the real Value of their debts.

Suppose then that all the debts now due from the United States to Individuals should be duly liquidated at their Value in specie and the Creditors receive Publick bills or Loan office Certificates Promissing payment in a few years with interest annually, And the united States provide

a fund immediately by an impost on Goods or otherwise for the Certain payment of both interest and principle agreeable to the tender of such Bills, And at the same time provide a fund for Carrying on the war by Laying a Land Tax of one penny per acre or more if necessary for repayin[g] any sum (with annual interest) that they may have occasion to borrow for that purpose, the principle to be paid in 7, 10, or 15 years etc.

April 14, 1781. The Compliment to Captn. J. P. Jones was reported in more decent language and the Thanks of Congress agreed to but the question on the Medal postponed. Mr. S. Adams urged on this occasion that the american Sea men in Europe ought to receive their prize money, that Captn. Jones was concerned in this, that enquiry ought to be had etc. Mr. Sharp one of the admiralty members said that the papers produced by Captn. Jones cleared him from fault in this and all the political disputes of our Agents etc. etc. in Europe. That it appeared by those papers a man lately high in office in Eu. was concerned in advising Captn. Landa to run from there with the *Alliance* which occasioned the delay of the Cloathing for the army, that the same gentleman was concerned in the mutiny that happened on board the *Alliance*. Mr. Mathews delivered in a Scheme for funding the Continental debt and for mortgaging 5,000,000 acres of the back lands as a fund to borrow money on the interest of all to be paid by an impost on goods etc. Committed to the Committee of finance.

62. THE PRESIDENT OF CONGRESS TO GEORGE WASHINGTON.¹

PHILADELPHIA April 14, 1781.

Sir,

Your Excellency will receive enclosed, a Resolve of Congress of the 13th Instant, relative to the Mode adopted to pay the new Levies, recommending it to the several States to make Payment. . . .

The former Part of this Resolve respecting the new Levies, I presume is intended for those only who served the last Campaign, and if any of them have received partial Payments from their regimental Paymasters, which is probable as I am informed by the Paymaster General, Care should be taken to transmit the same to the respective States.

63. JOHN MATHEWS TO GEORGE WASHINGTON.¹

PHILADELPHIA April 16: 1781.

Dear sir,

I mentioned in my last, that by the first good opportunity, I would communicate to yr. Exc'y some thoughts respecting the present political state of affairs—such as they appear to me.² perhaps my opinions may differ, from the generality of your correspondents, as I know many are

[62]¹ Library of Congress, Washington Papers; *ibid.*, President's Letter-Book, p. 267.

[63]¹ Library of Congress, Washington Papers; Harvard Univ. Lib., Sparks MSS., no. 66, vol. I., f. 351.

² Such a letter does not appear to be among the Washington Papers.

but too apt to keep their eyes constantly fixed on the pleasing side of the picture, and feel an aversion to take a View of the reverse, or if they do, endeavour by the most specious colourings to extenuate it's deformities, and if possible cast a veil over the whole. The lines I now address to your Exc'y will convince you, I am not one of those botchers. I represent things as they really are. Your station sir, entitles you to the most unreserved communications. The friendship you have done me the honor sir to entertain for me demands it of me. Yet it is with reluctance I enter on the task, well knowing your Patriotic bosom is already, sufficiently torn with the embarrassments you daily encounter, and pants for some friendly hand to pour balsam into the wound, but still is incapable of shrinking from increased pain. Accept this apology most worthy sir for the unpleasant theme, which justice to your conspicuous station bids me discuss in the most fair and unequivocal language.

I have for some time past contemplated the state of our affairs with extreme anxiety, which was not a little increased by the contents of your last letter to Congress: ³ the information it contained astonished me, as we had been repeatedly told that the battalions eastward of Hudsons river were nearly compleated. What must the friends of America think of their cause when they see so small a body as twelve hundred men ⁴ collected for a particular purpose, and the United states cannot command as much money, as will enable them to march?—another body of men ordered to march ⁵ and such a disposition manifested by them, that there was not time to wait your orders, but the interposition of a collateral power became immediately necessary to stop them, to prevent further evils? When our creditors are daily clamouring around us, for their just dues, and those excuses so long held out to them for with-holding payment, can no longer be made use of with the least degree of propriety? Our army—God knows how long—in arrear for their pay, and I much fear will, in a very little time, be in want of bread?—as this state informed us, they could purchase no flour, unless we would lend them the money—The army not only in want of pay, but almost every necessary? the southern army, literally in want of every necessary? No manner of preparations going forward, for military stores for the ensuing campaign?—which is coming fast upon us, nay, which may be said to be arrived—although we daily expect the arrival of a large reinforcement from our Ally, which we solemnly engaged to be in respectable condition to co-operate with, on their arrival? Were I to enter into minutiae, I should tire your patience in perusing the black catalogue—enough has been said. This sir is the true picture of our affairs, and I do boldly assert that Congress have not a single means in their power, to remedy either the one or the other of these accumulated evils, and what is above all, worse, there does not appear to me a disposition to endeavour at it. Whenever the subject is brought forward, men seem to shrink from it as if the case was desperate.

³ Probably Washington's letter of Apr. 8. See no. 61, note 3, *ante*. It is in *Writings* (ed. Ford), IX. 207, (ed. Sparks), VIII. 1. A letter of Apr. 12, read Apr. 16, which also pertained to the weakness of the army, is in *Pa. Arch.*, first ser., IX. 71.

⁴ Pennsylvania line (note in original).

⁵ The Marquiss's detachment (note in original).

It is true, Congress have called on the States for 6,000,000 of dollars—they calculate upon 4,000,000 out of the new money—as well as upon 5,000,000 from the Court of France. these sums, together with the specific supplies, are the funds on which we depend for the support of the present campaign. Now let us examine for a moment what prospect there is of their productiveness. As to the first, little or no reliance is to be placed on it, because, they are now in arrear 6,400,000 dollars specie and I know of no measures that have been taken to procure it. To the second: 1,000,000 is already spent, the three southern states can emit no part of theirs, New York can do very little, and this State has damn'd the plan, and adopted one of their own for emitting literally state money, which will not begin to operate before the first of June. So that—make the best of it, we cannot calculate upon more than 2,000,000, out of this fund, and that comes in so very slow, that it is of little use. To the third, we are now pretty well satisfied, nothing is to be expected from that quarter in money. I mean, as to the last, you know very well sir it is a plan, that never can regularly feed the army.

Where will all this end? In an unsuccessful campaign, I have no manner of doubt: But will this be the least evil to be apprehended? I fear not—Indeed my dearest sir, I begin almost to despond. Were I to consider my private interest, or that of my state only, I should altogether despair. And clear I am, in my opinion, that unless some effectual, vigorous, and decisive measures are speedily taken, to extricate us, from the labyrinth of difficulty, and distress, into which we are at present plunged, all the generous blood that has been spilt in this glorious contest, will have been spilt in vain, and the spirits of those who have nobly fallen, will stalk terrific through our land, seeking vengeance on those who have so infamously suffered their children to become slaves.

As a citizen of america, as one who has more at stake than any man in it, as one who from our mistaken policy, is debared an intimate knowledge of our affairs, but who, from his station, ought to be acquainted with every thing—By these considerations I say sir, I have been led to make you these free communications. I know they must give pain to your generous nature yet I supposed, you would rather wish to be made acquainted with them, than not. Whatever changes take place, either for the better, or worse, with yr. Exc's permission I will inform you of.

Please to make my respectful compliments to Mrs. Washington, and believe me to be, My D'r sir With every sentiment of the sincerest friendship, and highest Respect

Yr. Exc's most Obedt. Servt.

JNO. MATHEWS

64. JOSEPH JONES TO THOMAS JEFFERSON.¹

SPRING HILL 16th April 1781.

D'r S'r,

The alliance of the american States being now completed by the assent of the State of Maryland to the Articles of Confederation the future

[64]¹ Library of Congress, Jefferson Papers; *Letters of Joseph Jones* (ed. Ford), p. 77.

proceedings of Congress must be governed by those Rules, and every deviation from them become matter of complaint or jealousy to the States. It wo'd be wise therefore where defects appear to have them supplied in time and while the Temper of the States from recent experience of the want of competent Powers in Congress for the purposes of War disposes them to do so. It appears to me indispensably necessary for the general welfare in time of war, that the Congress should be vested with a controuling power over the States sufficient to compel obedience to requisitions for Men and Money apportioned agreeable to the Rules laid down. Without a coercive power for these purposes clearly vested in that Body all future wars as the present has done must languish for want of proper authority to call forth the resources of the States. These aids should be as regularly and fully furnished by those States at ease and removed from danger as by those attacked and immediately exposed to it. Yet we have found those only when necessity and self preservation impelled them to exertions rendering those supplies the interest and safety of the whole required—and while some have strained every nerve and exhausted almost their whole strength in the struggle, others have been negligent and remiss in furnishing the proportions assigned. These delinquencies occasion discontents, prolong the War, and expose the willing and obedient States to hardships, when Justice requires that all contribute their property. How this can be effected witho't a controuling power in Congress for the purpose I know not. Yet I know that witho't it we shall be a rope of sand and the Union be dissolved. It was made a question in Congress before I came away. I expect it will not be determined before I return wh'r the united States in Congress assembled had such a power; if not whether it was not necessary they sho'd have it. As the States have yeilded to that Body the right of making requisitions, does it follow that Congress have the power by implication of enforcing obedience? If they now have this Power, or not having it, the States sho'd Grant it them, how sho'd the disobedient be punished? By shutting the Ports, by a Body of armed Men, by deprivation of privileges or by what other method. These are nice and tender points to handle, but are unavoidable in the discussion of this question. How far it wo'd be prudent to open them to the States I know not. Could the business be effected witho't coming from Congress by a voluntary declaration of the respective States of their Sentiment upon the Right of Congress to exercise such a power it wo'd I think be better, for I suspect such a Recommendation coming from Congress wo'd excite fears in the States, that there was a disposition in Congress to grasp dangerous Powers. It is certainly a transcendent power, never to be used but in cases of absolute necessity and extremity. The acknowledgm't however of such a power in Congress might possibly supercede the use of it as it wo'd prove a weight impelling the States to action. If the States are ever to possess a formidable Navy w'ch may be serviceable to them in time of War, the Power of laying Embargoes during war at least, sho'd be vested in Congress. This appears necessary on many other accounts w'ch cannot be unknown to you and I confess myself at a loss to conjecture the reason of its omission in the Articles.²

² See nos. 19, 29, 30, 48, *ante*, and nos. 65, 209, *post*.

If we are to have our great departments under the superintendence of Ministers accountable for their conduct (and wch was agreed upon and some of them chosen when I left Congress but which from a late letter from Madison will at length I fear be lost) It may be necessary if any offences they may commit in the execution of their offices shall be punished capitally, to institute a Court and appoint Judges for their trial, as I question whether they could be tried and punished in any of the Courts now in being. As these officers will act throughout the States and can be resident in one only there will be a difficulty in bringing them to trial and condign punishment witho't some special mode prescribed for the purpose. In this business however a great question arises—can Congress in other than Military and Maritime Laws subject any Citizen to Death or other Punishment than the Laws of the State he belongs to inflict for such offences? I have given your Excellency much trouble in this letter. My appology is that I desire the Sentiments of Gentlemen of respectable abilities belonging to the State I represent in all very interesting questions to assist my own judgem't and opinion; and unless you forbid it I shall take the same liberty on future occasions when they present themselves.

P. S. I set out this day week for Philadelphia.

65. JAMES MADISON TO THOMAS JEFFERSON.¹

PHILADA. April 16, 1781.

Dear Sir,

The inclosed paper is a copy of a report from a Committee now lying on the table of Congress for Consideration.² The delicacy and importance of the subject makes me wish for your judgment on it before it undergoes the final decision of Congress.

The necessity of arming Congress with coercive powers arises from the shameful deficiency of some of the States which are most capable of yielding their apportioned supplies, and the military exactions to which others already exhausted by the enemy and our own troops are in consequence exposed. Without such powers too in the general government, the whole confederacy may be insulted and the most salutary measures frustrated by the most inconsiderable state in the Union. At a time when all the other states were submitting to the loss and inconveniency of an embargo on their exports, Delaware absolutely declined coming into the measure, and not only defeated the general object of it, but enriched herself at the expence of those who did their duty.³

The expediency however of making the proposed application to the States will depend on the probability of their complying with it. If they

[65]¹ Library of Congress, Madison Papers, Ac. 1081; *Writings*, I. 129; *Papers*, I. 86.

² The committee report referred to may be found in the *Journals* under May 2, and also in *Madison Papers* (p. 88) and in *Writings* (p. 129), accompanying this letter. It bears the date Mar. 12 and was presented to Congress Mar. 16. See nos. 29, 48, 64, *ante*, and no. 209, *post*.

³ See the *Journals*, June 1, 12, Nov. 21, 1780; *cf.* nos. 19, 29, 30, 48, 64, *ante*, and no. 209, *post*.

should refuse, Congress will be in a worse situation than at present: for as the confederation now stands, and according to the nature even of alliances much less intimate, there is an implied right of coer[cion] against the delinquent party, and the exercise of it by Congress whenever a palpable necessity occurs will probably be acquiesced in.⁴

66. THOMAS RODNEY, DIARY.¹

Munday Aprill 16th 1781. A Letter from Captn. Clark informing that Certain Stores ordered to be laid up at fort Pitt for an expedition against the indians were not fully furnished and a request that Congress would make up the deficiency by send'g forward Certain articles mentioned was read.² Genl. Varnum opposed the motion and enquired whether the Expedition was at the Instance or under the direction of the United States or Virginia etc. Genl. Sullivan said that this was an expedition of Virginia, that they were going on some wild goose Chase against the Indians or Detroit as he supposed, when they aught to have turned all their force against the Enemy now destroying the most Cultivated part of their Country, and wanted Congress to support them in it when all their fources and supplies was necessary against the Enemy who were invading sundry parts of the country. That Virginia had been upon the Same scheme for several years past and allured the publick with an expedition against Detroit while all their views had a different effect. That they nor no other State had a right to form any such expeditions without the approbation of Congress etc. etc.

Governor Howly said he was now in favour of the Measure since the Matter had gone so far that it wanted only a little assistance to Complete the Matter but that he lamented the Cause. That Virginia had wantonly settled part of the back Country and now it was necessary to protect it, but that the occasion aught not to have been made etc. etc.

Mr. Mathews informed Congress that this Expedition had been Communicated to and approved by the board of war and Commander in Chief but that Virginia alone was to pay the Expense etc.—so it passed.

In the report of Rules for the Conduct of Congress it was a question that no Motion should be received unless made or seconded by a State. Genl. Sullivan, Governor Howly, Col. Bland and Mr. Clark spoke against it, Mr. Mathews, Bee, Madison etc. etc. were for it. not past—rejected.

[*April 17*] A Letter recd: today from Genl. Green dated 30th March, relating in Substance that he had left his Baggage and made a forced March to overtake Cornwallace, but that before he arrived Cornwallace had decamped leaving his dead unburied and taken his rout to Cross Creek and thence toward Wilmington N. C. That as the Virginia Militia

⁴ The remainder of the letter is a further discussion of the subject.

[66]¹ Library of Congress, Rodney Papers.

² The letter was from George Rogers Clark (the copy in Papers Cont. Cong., no. 60, f. 29, is dated "Yough April 2nd, 1781"), transmitted by the board of war, with a letter of Apr. 13. The board state that Clark's letter was the first official intimation they had had of the projected expedition, adding: "An Officer is waiting for the Decision of Congress and if the Stores are to be furnished it is necessary that they be put in Motion without Delay." See the *Journals*.

would leave him in a few days and his army had suffered greatly with fateague and want of Provisions, and he left with an inferior force he Could not pursue any further. That the Whings [*sic*] and Tories in that Country were killing one another so fast that it seem'd likely to Depopulate That country. he also sent a Copy of a Proclamation Issued by Cornwallace, giving general Pardon and Protection to all (murderers excepted) who would return to their homes and take the military oath before the 20th of Aprill. It was moved by Govr. Bee that Genl. Greens Letter should be published—past in the negative. Govr. Bee applied and got leave to take the letter out of Congress.

A Long Letter was read from a Mr. Baily Phisition and Surgen in the Hospital Department by Genl. Varnum and the cause of the said Mr. Baily was espoused by all the N. E. Members. It was alledged by them that this man had been very Ill-Treated by the Medical Comm particularly Mr. Clarke. It was opposed by all the rest of the House and Mr. Houston alledged that he had done no duty since 1779 but had been in Philada. postponed.

Mr. Bland moved that as the Minister of France had offered us 400,000 dollars in specie and Bills if we Could Supply provisions to that amount, we aught to accept the offer, and at the same time offered a scheme for doing this. Committed to a special Committee. Mr. Moyland appointed Clothier Genl.

67. THE VIRGINIA DELEGATES TO THE GOVERNOR OF VIRGINIA
(THOMAS JEFFERSON).¹

PHILADA. April 17th 1781.²

Sir,

The inclosed resolution of Congress answers your Excellency's letter of the 26th Ultio. relating to the appointment of Col. Davies to the War office of Virginia. You will observe that it determines his rank in the army alone to be the bar to his acceptance of a Civil office. Should Col. Davies be willing to give up that and his place be supplied by one of the Supernumerary Colonels, so that no additional expence would accrue to the United States. Congress we believe would not hesitate to let him retire without forfeiting any of the emoluments to which he is at present entitled. General McDougal was lately appointed by Congress to a Civil office under the like circumstances with Col. Davies, and as he did not chuse to part with his rank in the army the appointment was annulled.³

. . . .

[67]¹ Copied from the original, then in the possession of Mr. Stan. V. Henkels of Philadelphia (signed by Madison, Bland, and Meriwether Smith); *Cal. Va. State Papers*, II. 50.

² James Lovell wrote to Samuel Holten Apr. 17: "The Post is become useless for Politicians to a very great Degree but I cannot refrain from giving you a Return made to Genl. Washington on the 1st of April and by him forwarded to Congress. . . . You were in Congress at an *easy happy* Period of Business tho' you did not know it, nor did I then guess it" (*Essex Inst. Hist. Colls.*, XIII. 229). The return was that made by Gen. Edward Hand Apr. 1 and transmitted to Congress by Washington with his letter of Apr. 8, read in Congress Apr. 12.

³ In his letter to the delegates Mar. 26 (*Official Letters*, II. 434) Jefferson wrote: "I beg Leave to ask your solicitations with Congress for Permission to Colo. William Davies of the Virginia line to accept an Appointment to the War Office of this State with-

68. THOMAS RODNEY, DIARY.¹

April 18th 1781. A report of Committee brought in stating all our debts, and the expenses or estimates of the current year ordered to be Copied and sent to the States.²

Mr. Maddison moved that Genl. Washington send effectual force to the Southward, and that he be impowered to draw out as many Malitia from the eastward of the North river as may be necessary to the Eastward etc. Mr. Smith of Virginia said that Virginia had done her part in the War, that they had afforded great Succour lately to the Southern States at her own expense that she was so much exhorted that now she was invaded she wanted assistance, that there were many disaffected in that State and when opportunity offered would assist the Enemy, that for two or three years past it had been an opinion that prevailed that if that State was invaded it was to be given up by the other States, that if they were neglected and were forced to give up to the enemy this consideration would make them inveterate against those States and willingly help to Conquer them etc. Mr. S. Adams said that he was willing all the Army should go to the Southward and the Malitia only be left to defend the Eastern States provided they had notice and it was not Contrary to the plans of the Genl. etc. Committed to three.

[At this point in the Diary appears the following statement:]

Unfortunately my Engagements in private business, as well as in Congress prevented my Continuing this account during the year 1781, It being an Important year.³

out prejudice to his rank and right to half-pay for life, Lands, and Depreciation of pay." A similar letter of the same date was addressed to the President of Congress (*ibid.*). He had been told that instances of similar indulgence existed, and mentioned as one such "the hon'ble Mr. McDowall a Delegate in Congress". This was of course General McDougall, who had however been granted the privilege of retaining his rank, etc., in the event of his acceptance of the office of secretary of marine, but not his pay and emoluments as an officer of the army. See the *Journals*, Mar. 30, also vol. V., no. 661, and nos. 14, 25 (note 2), *ante*. The reading of Jefferson's letter of Mar. 26 to Congress is not recorded in the *Journals*, but a committee (Sullivan, Smith, and Mathews) made a report upon it Apr. 16. This committee is the same in membership as that to which, according to the *Journals*, Jefferson's letter of Mar. 31 was referred Apr. 9. This entry in the *Journals* is possibly an error, for the record indicates that the reference was first to the board of war, then altered to the committee named. At all events, the letter of Mar. 31 was on Apr. 12 referred to the board of war. President Huntington transmitted to Jefferson, with a brief letter of Apr. 18, the substance of the resolution of Apr. 16. A copy of this letter (from the original) is in the possession of the Carnegie Institution.

An omitted paragraph relates to the difficulties attending the march of the Pennsylvania line. See the *Journals*, Apr. 16, 28, the delegation letter May 1 (*Cal. Va. State Papers*, II. 80), and nos. 120, 144, *post*; cf. vol. V., no. 655.

[68]¹ Library of Congress, Rodney Papers.

² The report is in the *Journals*, Apr. 18. A copy, authenticated by Secretary Thomson, is in Cont. Cong., Misc., portfolio 103. President Huntington's circular transmitting the report to the states, Apr. 21, is printed in *Arch. of Md.*, XLVII. 200.

³ These paragraphs were evidently added at least three months subsequent to April 18, as the appointment of peace commissioners, referred to in the third paragraph, was concluded June 14. Another and more extended statement of his services in 1781, written at a still later time, will be found *post*, no. 197.

I was long on the Committee of finance and always on the Committee of the states, prevailed on having the business of Congress assigned to ministers and officers.⁴

Was at the appointment of Commrs. for making piece and Controled that appointmt. so far as to git five in stead of three and so to Include Doctr. Franklin and Mr. Laurence (with A, J and Jefferson).⁵

But I did not mind any small business, only applied my attention to what was of great Consuquence as I observed great deficiency in the knowledge of governmt. among the Members—tho many of them possessed great abilities.

69. THE PRESIDENT OF CONGRESS TO GEORGE WASHINGTON.¹

PHILADELPHIA APRIL 20, 1781.

Sir,

I am directed to transmit your Excellency the enclosed Copies of Letters, viz, one from his Excellency President Reed to me, the other from Mr. Fowler to President Reed, with the consequent Resolve of Congress of the 19th Instant; directing that effectual Measures be taken to make Enquiry into and correct the Abuses therein mentioned and for bringing the Offenders to condign Punishment

This Mr. Fowler is an Auditor appointed by Congress to settle public Accounts in that Quarter ²

It may not be amiss to mention to your Excellency, that it hath been suggested by Gentlemen of Character, that Colonel Broadhead for some Reasons is disposed to obstruct, rather than to aid Colonel Clarke in his present Expedition to the westward, and prevent his Proceeding. How far the latter Suggestion, or those Facts mentioned in Mr. Fowlers Letter are well founded I cannot pretend to say. A proper Enquiry is necessary to ascertain those Matters; and I am firmly perswaded your Excellency's Prudence will direct to such Measures as that the Public may not suffer by flagrant Abuses, and at the same Time no faithful Officers may be injured by ill founded Misrepresentations if any such there be.³

P. S. I have been Honourd with your Excellencys Letters of the 12th and 13th instant

⁴ Rodney was made a member of the committee appointed May 8 to devise ways and means, etc.; he was twice chosen (June 18, July 9) to the committee of the week; but the *Journals* do not record his being on any other committees. There was not during his delegation any committee of the states properly so called. The creation of executive departments, to which he alludes, was for the most part determined before his arrival. His first recorded vote, Feb. 28, was in favor of postponing the election of a secretary at war until the first of October.

⁵ "A" and "J" are John Adams and John Jay. The part which Rodney took in the proceedings upon this question is more definitely explained by him in his letter to Caesar Rodney June 14 (no. 157, *post*).

[69]¹ Library of Congress, Washington Papers; *ibid.*, President's Letter-Book, p. 273.

² Alexander Fowler was appointed one of the auditors in the army Feb. 20, 1779, and assigned to the Western district. See vol. IV., p. 35 n.

³ Washington wrote to Congress Apr. 14 (see the *Journals*, Apr. 17) respecting conditions at Fort Pitt as set forth to him by Col. Daniel Brodhead. Washington's letter was transmitted to President Reed of Pennsylvania, whose reply, Apr. 18 (read in Congress Apr. 19), gave rise to the action here mentioned. Washington's letter is in *Pa. Arch.*,

70. THE PRESIDENT OF CONGRESS TO THE GOVERNOR OF MARYLAND
(THOMAS SIM LEE).¹

PHILADELPHIA April 20, 1781.

Sir,

I am directed to acquaint your Excellency that the State of Maryland is unrepresented in Congress, having but one Delegate present for some Time past, and it is earnestly requested that a Representation may be kept in Congress at present. Matters very important and interesting require a full Representation from all the States. It is to be hoped and expected that one or more Delegates from Maryland may immediately come forward if not already on the Way.

71. JAMES DUANE TO MARINUS WILLETT.¹

PHILADA. 21st April, 1781.

Dear Sir,

The distresses of the Army for want of pay give pain to every patriot but in a more eminent degree to those who by being placed at the head of Government are considered in some Measure, as responsible. If their Office shielded them from common Calamities, or afforded Support to their Families, If they had of themselves the Means of filling the publick Treasury or If the States had complied with their Requisitions the Charge of *Severity* towards the reformed Officers in not paying their Arrears to the time of their Reduction woud have given me less pain. . . . The Reduction was a general Measure in which you in common with many other worthy and gallant officers participated. I never heard it objected to: The Rule of *Seniority* was pressed from the difficulty of *Selecting* as Congress first recommended. It was preferred on Military Ideas and Advice. The officers reduced were not paid: the whole Army were unpaid. The Reason is that there was no Money in the Common Treasury: And the States that [were] earnestly called upon to advance their Quotas of the Arrears have not complied. What coud Congress have done more? What more can they now do?

With respect to the two additional Regiments to be raised in our State I sincerely believe it did not originate from any Scheme to injure you or to prefer favorites. I have understood that an offer was made the State to raise those Regiments on Land bounties and that it was expected that the men woud be recruited in New England. To this Moment I never heard but from yourself who were appointed Officers. Congress in approving this plan paid Attention to the reduced officers it being their wish that they should be preferred as far as this Service permitted.² . . .

first ser., IX. 75; Reed's is *ibid.*, p. 81. See also David Duncan to Reed Apr. 24, *ibid.*, p. 97, and Reed to Washington Apr. 24, *ibid.*, p. 98. The enclosure in Reed's letter of Apr. 18 (see the *Journals*, Apr. 19, p. 420, note 3) was a letter from Fowler, dated at Pittsburgh, Mar. 29. A copy is in the Washington Papers. Washington's reply to this letter of President Huntington, May 1 (read in Congress May 7), is in *Writings* (ed. Ford), IX. 241 n. See further the *Journals*, May 29, and no. 139, *post*.

[70]¹ Md. Hist. Soc., Red Book, VIII. 32; *Arch. of Md.*, XLVII. 199.

[71]¹ N. Y. Pub. Lib., Uncalendared MSS., Duane.

² Duane appears to be speaking of the arrangement of Nov. 24, 1778. The additional regiments referred to were probably those authorized Oct. 3 and 21, 1780.

72. JAMES MITCHELL VARNUM TO THE GOVERNOR OF RHODE ISLAND
(WILLIAM GREENE).¹

Sir,

PHILADELPHIA, 21st April, 1781.

I have received your Excellency's letter notifying me that no Delegate will come from the State 'till after the election. Gen. Cornell, who is absent by leave of Congress, for visiting the military Magazines, Laboratories, etc., and causing some necessary reforms, will be able to give every necessary Information respecting our Situation.² As my Time for representing the State will soon expire, I apprehend my Return home will be consequent thereupon, Previous to which, a Supply of Money will be essential. Should the Necessity of this Request be doubted, it need only be observed, that the exchange between Paper and Silver is two hundred for one; and I suppose four Weeks will produce something worse. I have been informed that a Sentiment somewhat similar to this, expressed in a former Letter, and which was intended as a delicate suggestion of my wants, was obliterated as tending to discourage. However, I must again repeat, that the State will be very great Losers in sending paper Money to Philadelphia.

73. THE PRESIDENT OF CONGRESS TO GEORGE WASHINGTON.¹

Sir,

PHILADELPHIA March [April] 23, 1781.

I have been honored with your Excellency's Letters of the 16th and 18th Instant. You will observe by the enclosed Resolve of this Day, that it is the Sense of Congress, on receiving the Information contained in your Letter of the 16th, of the Proposals you have made respecting the Exchange of General Burgoyne, that you be authorized to proceed in perfecting the Exchange, if you shall think fit; the Resolution of the third Instant notwithstanding.²

74. NICHOLAS VAN DYKE TO THOMAS RODNEY.¹

April 23, 1781.

D'r Sir,

I thank you for the Good News in your's and am very Sorry to find Congress in such a Situation. but it is out of my Power to go up before Wednesday Morning. I should be glad to know if you go before, if not, I will then go with you; I will be in your Town this afternoon if not rainy otherwise Tomorrow.² I only got Home yesterday from Dover. the Presidt. and Miss Willson are well.

[72]¹ R. I. Arch., Letters to the Governors, 1780-1781, p. 57; Staples, *R. I. in Cont. Cong.*, p. 337.

² See the *Journals*, Apr. 21.

[73]¹ Library of Congress, Washington Papers.

² See the *Journals*, Apr. 3, 23, and no. 54, *ante*. Washington's letter of Apr. 16, relating to the exchange of General Burgoyne, is in *Writings* (ed. Ford), IX. 218, (ed. Sparks), VIII. 15. See further the *Journals*, June 14, and no. 164, *post*.

[74]¹ Hist. Soc. of Pa., Dreer Coll., M. O. C., V. 60.

² Van Dyke is next mentioned in the *Journals* under May 2, although he may have attended several days earlier. On Apr. 9 both Van Dyke and Rodney had been requested by President Huntington to return to Congress, and Rodney had attended Apr. 11 and through Apr. 18 or later. He had probably however about this time again absented himself for a few days.

75. THE VIRGINIA DELEGATES TO THE GOVERNOR OF VIRGINIA
(THOMAS JEFFERSON).¹

PHILADELPHIA, April 24th 1781.

Sir,

We were yesterday Honord with your Excellency's of the 13th Inst. with its enclosures.² You may be assured that our utmost endeavors have been exerted in forwarding the arms and stores mentioned in our last, but insurmountable difficulties have prevented their seting off untill now— But we are happy to inform you that the first of them will go on to day, as the Qr. Mast'r assures us. . . . A late letter from the Commander in Chief gives us some reason to think that the British have a serious intention of making a descent in Delaware Bay at least to forage, and secure all the Provision they can on the Peninsula that lays below New Castle and the head of Elk if Possible, in Consequence of which measures have been taken to remove all the flower Cattle and short forage on that Peninsula calld the Eastern Shore, out of their Reach, and also from the Jersey shore Bordering on Delaware Bay, for which purpose the Board of War are vested with powers by Congress, and the Executives of Jersey Pennsylvania Delaware Maryland and Virginia are request[ed] to lend their assistance to aid in the execution of this necessary measure.³

. . . .

P. S. We are happy to inform yr: Excy. that a large Detachment of the Pennsylv. line are at length in motion towards Virginia and we hope will arrive in time to Check the Progress of the Enemy in that State. We have accts. that the *Confederacy* is taken by the *Roebuck* and *Orpheus* off this Coast.

76. DANIEL CARROLL TO THE GOVERNOR OF MARYLAND
(THOMAS SIM LEE).¹

April 24, 1781.

The Board of War having spared to the Special Council for the Eastern shore and to the Virginia Delegates a number of the Rampart peices, I cou'd not obtain an order for more than 500, they have likewise given me an order for 2 four pound Brass Field pieces compleat. If 4 lbs Ball should be wanting it will be proper to mention the number you wou'd have. It not being safe to send the arms by water I presume you will order waggons up or some to be procured here.²

We have reason to believe the *Confederacy* is taken by two British frigates.

[75]¹ Library of Congress, Cont. Cong., Misc., portfolio 103 (in the writing of Bland, signed by Madison and Bland); *Cal. Va. State Papers*, II. 70.

² Jefferson's letter is in *Official Letters*, II. 471.

³ See the *Journals*, Apr. 23, and nos. 55, 58, *ante*, 76-78, 80-82, 85, *post*. The passage in Washington's letter of Apr. 16 (see no. 73, note 2, *ante*) pertaining to advices as to the probable movements of the enemy is quoted in Carroll's letter of Apr. 24 (no. 76, *post*, but there omitted).

[76]¹ Md. Hist. Soc., Red Book, V. 78; *Arch. of Md.*, XLVII. 205.

² Cf. nos. 81, 95, *post*. The principal omission here is a passage from Washington's letter of Apr. 16. See no. 75, *ante*.

77. THE BOARD OF WAR TO THE BOARD OF ADMIRALTY.¹

WAR OFFICE, April 24th 1781.

Gentlemen,

The Board have the honor to inclose you a resolve of Congress which it is their design should be kept secret. The Board are of Opinion that no Considerable quantity of Provisions or other stores can be transported from the Delaware state with any degree of Safety, unless a frigate or some Vessel of Considerable force should be sent down the River to protect the Navigation. They therefore request the assistance of your Honble Board in carrying into execution the Resolution of Congress which from the information which has been received from the Commander in Chief will admit of little delay. If it is your opinion that any farther Resolution of Congress is necessary we request that you will inform us.²

78. THE BOARD OF WAR TO THE SPECIAL COUNCIL OF THE
EASTERN SHORE OF MARYLAND.¹

WAR OFFICE April 25th, 1781.

Sir,

The Board have the Honor to inclose a Copy of a Resolution of Congress respecting the Removal of Provisions and Stores from the Peninsula between the Delaware and Chesapeake Bays. The Directions contained therein are founded upon well grounded Information received from the Commander in Chief of an Operation now in much Forwardness on the Part of the Enemy for the Purpose of possessing themselves of the ample Supplies which that Country will afford them, and which while in their present Situation hold out the most flattering Inducements to them. We trust however that no Arguments are necessary to convince you of the urgency of the Measure and we hope for your concurrence therein; Indeed without this it appears to us to be impracticable to carry into effect the Directions of Congress.²

79. THE PRESIDENT OF CONGRESS TO THE GOVERNOR OF VIRGINIA
(THOMAS JEFFERSON).¹

PHILADELPHIA April 27, 1781.

Sir,

I do myself the Honor of transmitting to your Excellency the enclosed Copy of a Letter from Ebenezer Hazard

[77]¹ *Pa. Arch.*, first ser., IX. 100; *Pa. State Lib.*, P. P. LXXXIII. (copy, signed "Wm. Grayson, By order").

² See the *Journals*, Apr. 23, and no. 75, *ante*, nos. 78, 80-82, *post*. A letter on the subject from the board of admiralty to President Reed is in *Pa. Arch.*, first ser., IX. 100; see also *ibid.*, pp. 103, 106.

[78]¹ *Md. Hist. Soc.*, Red Book, VII. 207; *Arch. of Md.*, XLV. 669.

² For earlier action of a similar nature see nos. 55, 58, *ante*. The action in the present instance was in accordance with a resolve of Apr. 23, taken in consequence of a letter from Washington Apr. 16. See nos. 75-77, *ante*, 80-82, *post*. The board's letter was first addressed, "His Excellency the Governor of Maryland", then changed to, "Honble Executive Council of the Eastern Shore of Maryland". Concerning the "Special Council for the Eastern Shore" see *Arch. of Md.*, XLV. (index, Eastern Shore, Special Council, especially p. 406).

[79]¹ *Hist. Soc. of Pa.*, Dreer Coll., M. O. C., II. 118.

You will observe by the *Journals* of Congress under the 20th of July 1778, Encouragement given to this Gentleman to collect Materials for a History, and a Recommendation to the several States to aid and assist him in such Collection

If any of the Manuscripts etc to which his Letter refers, will in your Excellency's Opinion be useful or worthy of Notice in the Pages of History, I am perswaded you will be so kind as to forward them agreeable to his Desire, whenever Leisure from more important Concerns shall permit. It may be proper to send them under Cover addressed to the Secretary of Congress, as Mr. Hazard, being Surveyor of the Post for the eastern Department, is rather an itinerant than a Resident in any particular Place at present.²

80. THE PRESIDENT OF CONGRESS TO MATTHEW TILGHMAN.¹

PHILADA. April 27, 1781.

Sir,

Your Favour of the 21st Instant I have had the Honor to communicate to the United States in Congress assembled.² I am directed to inform you that it was by no Means their Intention in the Recommendation therein referred to, to hold up your Situation as desperate, much less to preclude the Idea of Resistance. The Intelligence they had received led them to apprehend that it was in Contemplation with the Enemy to take Post at New-Castle, for the Purpose of a grand Forage on the Peninsula between Delaware and Chesapeake Bays.

The Attention due to the general Interest³ required that immediate and effectual Precautions should be taken to disappoint such an Expedition of its Object. With this View it was recommended to remove from the Reach of the Enemy all Provisions and Forage which would not be necessary for the Consumption of the Inhabitants, a Precaution pointed out by the very Nature of the Case, which was the more eligible as it tended to prevent the Invasion as well as to render it abortive, and which had been adopted in similar Instances without Objection or Complaint.

The Intelligence since received by Congress of the Designs of the Enemy has been so far from rendering the first Plan inexpedient or unnecessary, that it has determined them to give it greater Promptitude and

² There was some correspondence between Jefferson and Hazard in February, 1791, respecting the latter's historical work.

[80]² Md. Hist. Soc., Red Book, VIII. 31; *Arch. of Md.*, XLVII. 215; Library of Congress, President's Letter-Book, p. 277.

² Tilghman's letter was read in Congress Apr. 26 and referred to a committee, who drafted this letter in reply (see the *Journals*, Apr. 27, p. 455). Referring to President Huntington's letter of Apr. 7 (see no. 55 and note 1, *ante*), Tilghman remarked:

"We had previously received the Information from our Delegates, but altho on a proposition of the Truth of the Intelligence we could not be insensible of our critical Situation, yet we did not nor can we consider the Imminence of our Danger in that desperate point of view in which it appears to be held up by the act of Congress; we will not therefore suffer Intimidation to take place; Having a Confidence in the Bravery and affection of our People every Nerve shall be exerted in our own Defence.

"The Recommendation to remove all Provisions and forage, public and private, which will not be necessary for the Consumption of the Inhabitants seems to preclude every Idea of Resistance: Unhappy indeed is our Situation if nothing more is necessary to compleat our Captivity than for the Enemy to take Post at New Castle."

³ In the Letter-Book copy the words "and defence" here follow.

Efficacy by their Resolution of the 23d Instant, of which a Copy is enclosed. The Extent and Strictness of its Execution, as well as of the preceding Act, must no doubt be governed by Circumstances, and by the Discretion of the Executives and the Board of War.⁴

Whatever Respect may be paid to these Recommendations, or whatever may be the Event, Congress will have done their Duty.

Your Determination to exert yourselves to the utmost for your Defence, and your Confidence in the Bravery and Affection of your Citizens afford Congress the highest Satisfaction, and they persuade themselves that a Reconsideration of the Steps taken for removing from the Reach of Invaders, the superfluous Provision and Forage, will convince you that they can have no possible Tendency to discourage so laudable a Spirit, or to impede the Effects which may be expected from it.

By Order of Congress

SAM HUNTINGTON President

The Honorable Mathew Tilghman Esqr⁵

81. THE VIRGINIA DELEGATES TO THE GOVERNOR OF VIRGINIA
(THOMAS JEFFERSON).¹

PHILADELPHIA April 27th 1781.

S'r,

Having discovered that there were a considerable number of Rampart Arms belonging to the U. S. at this place, which have long lain dormant, (having been supposed useless for the Field) we have found on enquiry that with a small alteration, and fixing Bayonettes to them they are capable of being rendered exceeding good Field Arms; and knowing the necessity of the State for a Supply of that article we have been extremely desirous to have them altered and sent on with all possible dispatch; we flatter ourselves that this might have been done expeditiously by the Intervention of some Virginia Merchants who had money in this City which they offered to dispose of for the purchase of the Arms from the Continent; to have them fitted and transported at their own expense, and on their arrival in Virginia giving the State the offer of them upon terms yeilding them a reasonable Profit for their trouble and expense in so doing; but when they gave in their proposals to us in writing, we were extremely sorry to find that what would yeild them a profit, (far short as they informed us of what might be obtained by vesting their money in other Articles of Commerce,) greatly exceeded any allowance we thought ourselves Justifiable in Agreeing they shd. receive, especially when we considered the low condition of the treasury of the State, and that we must engage the faith of the State for the Immediate advance of one

⁴ See nos. 55, 58, 75-78, *ante*, and nos. 82, 85, *post*.

⁵ Tilghman was president of the executive council ("Special Council") of the Eastern Shore of Maryland (see no. 58, note 2, *ante*, no. 82, *post*). Thomas Rodney, apparently referring to the resolution of Apr. 23, declares that he later pointed out its absurdity and had it altered (see no. 197, *post*). Other evidence of the alteration is lacking. [81]¹ Hist. Soc. of Pa., Dreer Coll., M. O. C., V. 8 (signed by Madison, Bland, and Smith).

half the Money, and the payment of the other half on the delivery of the Arms. This determined us to embrace an Alternative, which we hope in the End will prove more Eligible; we have in consequence of that determination procured an order of Congress to the board of War to have two thousand stand immediately altered and fitted up for field Service, to be forwarded with all possible expedition to Virginia and the remainder to be sent to Maryland and North Carolina.² In order to accelerate this operation, we must entreat your Excellency to devise some means of furnishing to the amount of 1,300 Pounds hard money or its Value in Paper, such as will Circulate in this State: without which we find it will absolutely be impracticable to carry into execution a measure which will be productive of the greatest advantage to the Southern States. for want of some fund in this City we have often found ourselves greatly embarrassed, and frequently absolutely prevented from expediting succours of whose consequences we are fully apprised to the Southward, and are extremely mortified to find frequently that a very small Sum which would, by being advanced to Waggoners etc. set them at work; it is neither in our power to advance nor procure, either on our own or the States Credit. It being absolutely impracticable to negotiate a Bill we cannot but think it highly proper to fix an Agent for the State in this City, to be furnished with remittances for such purposes, and to transact many other usefull pieces of Business for the State which not only lay greatly out of the line of the delegates duty but frequently prevents them from bestowing the necessary attention to the more important interests of the State and of the Union in General. Your Excellency will be at no loss to conceive why a remittance of the above Sum for the present occasion is highly necessary and expedient when we inform you that from the Tardiness of the States in general to pay in their arrearages of taxes, from the impediments to the Issuing the money according to the Resolutions of the 18th of March 1780, and from the daily expenditures for carrying on the war the Public treasury is at this moment left destitute of a single shilling and has large demands on it which have anticipated what will probably come into it for some months.

[P. S.] We have enclosed Yr. Exc'y a copy of the agreement we have been necessitated to enter into in order to ensure and expedite a measure which we are sensible is of the utmost importance to the State.³

82. DANIEL CARROLL TO MATTHEW TILGHMAN.¹

Sir,

PHILADELPHIA Apl: 28th, 1781.

I did myself the honor of addressing a few lines to you by Messrs. Goldsborough and Emory,² Since which the President received your

² The order to the board of war is in the *Journals*, Apr. 26; cf. no. 95, *post*.

³ A copy of this agreement, with Ebenezer Cowell, Apr. 27, is in the Virginia State Library, Executive Papers. The original is listed in Henkels, *Catalogue*, no. 1275, part II., item 570. In a letter to Governor Jefferson May 1 (*Cal. Va. State Papers*, II. 80) they speak further concerning this business.

[82]¹ Md. Hist. Soc., LXXXVII. 260 (copy).

² Messrs. Goldsborough and Emory had been sent to Philadelphia by the special council of the Eastern Shore, for arms and ammunition. The letter of instructions to them, Apr. 13, is in *Arch. of Md.*, XLV. 396, addressed to "Gold and Emory".

Letter, to which Colo. Moylan the Bearer Carrys an Answer. From the Character of this Officer, and the Contents of the letter addressed to you by the Board of War I flatter myself the execution of the Resolves of Congress will not be attended with any disagreeable Circumstances. I am, Sir, Sensible that the Step taken by Congress on this Occasion, is of a very Serious Nature, even tho' Nothing should be attempted to be Carried into Execution. I saw it in that light from the Beginning and gave Congress every information in my power. I was almost alone on the propriety and Necessity of the Measure. There is some reason to believe, that Considerable Quantities of Flour are Stored on the Waters of Delaware, part of which May have been purchased for the use of the Enemy. This I think was a strong if not the principal inducement with Congress, for the Resolves they entered into.⁸ . . .

83. SAMUEL HUNTINGTON TO THE GOVERNOR OF CONNECTICUT
(JONATHAN TRUMBULL).¹

PHILADELPHIA, April 30, 1781.

Sir,

By the latest advices from Spain the affairs of America have a favorable aspect at the Court of Madrid, tho' Mr. Cumberland was still permitted to be there under the ostensible pretext of obtaining the salubrious air for the health of some of his family;² and, among other circumstances, what convinces me that Spain consider these United States of too much importance to be abandoned by any proposals the British Court can make. or intrigues they may practice, is, that we have received *certain* intelligence that the Spanish armament from the Havannah have *actually invested* Pensacola with a force sufficient to promise success, according to the probable course of human events. . . .

I hope, before this, some delegates from Connecticut are on the way to Congress, as I am once more left alone from the State, and shall not be able to attend any considerable time longer myself.

84. JOHN MATHEWS TO NATHANAEL GREENE.¹

PHILADELPHIA, April 30, 1781.

Sir,

The inclosed paper will give you the substance of the latest intelligence Congress have received from Europe. The countenance given by Russia to the united provinces must be productive of very happy effects, it encourages them to enter into the war with alacrity and to prosecute it with vigor. This of course raises up another powerful enemy against G. Britain and enables our generous Ally to give us more substantial aid than he could otherwise have done. Our affairs at the Court of Madrid wear a

⁸ See nos. 75, 76, 78, 80, *ante*, and no. 85, *post*.

[83]¹ Mass. Hist. Soc., *Collections*, seventh ser., III. 220.

² See no. 122, *post*.

[84]¹ William L. Clements Library, Greene Papers (signed, "By order of the Committee, Jno. Mathews Chairman").

more pleasing aspect than they have yet done and we have reason to expect a more earnest friendship from that monarch than he has yet manifested toward us.

The troops and Ships destined for our aid were expected to sail in all the Month of March, the exact numbers of either we are not informed of, but we are encouraged to expect both will be respectable.

We are directed by Congress to communicate to you the complaints that have been made, of a number of the british Officers being suffered to remain in Charles Town on parole when the enemy extend this indulgence with a very sparing hand to our Officers, that you should enquire into the matter and rectify whatever improprieties may have arisen in conducting this business.

It is also the wish of Congress that you would endeavour to negotiate an exchange of prisoners and relieve as many of ours as you possibly can from the horrors of so severe a Captivity as they experience.²

You may possibly conceive some embarrassments will arise in negotiating this business, least what might be done by you, might militate against the general exchange negotiating by the commander in chief; but as the powers of exchange in your department are by Congress fully lodged in your hands, we conceive it ought not to influence your conduct further than military duty must enjoin. Policy in our opinion directs every thing to be done in this business that can be done without loss of time as the enemy have already engaged a very large number of our men (from good authority we are informed between 5 and 600) and are daily engaging more in their service—inevitable necessity drives our unhappy men to quit the service of their country for one they detest, and the policy of the enemy places them in a situation that for ever precludes them from the least chance of returning, being all engaged for the West India service. The inclosed paper will show you the outrageous malice of the enemy against our Officers and the pressing necessity of something decisive being immediately done to prevent so diabolical a measure as is therein proposed to be adopted by them.

85. THE PRESIDENT OF CONGRESS TO MATTHEW TILGHMAN.¹

May 1 (?), 1781.²

By a confidential person we are informed "that it may be depended on as a certainty that a very considerable embarkation has taken place in

² Mathews is writing as chairman of the "committee of correspondence", that is, the committee appointed July 8, 1779, to correspond with the commander in the Southern department (see vol. V., nos. 99, note 2, 524, note 5). Apr. 28 he was made chairman of another committee, with an assignment to report upon a specific problem pertaining to the Charleston prisoners (see no. 91, *post*). Just when the committee of correspondence received the instructions mentioned does not appear to be revealed by the *Journals*.

[85]¹ Md. Hist. Soc., Red Book, VIII. 30 (endorsed, "For the Hon'ble Matthew Tilghman Esqr").

² The Virginia delegates, in a letter of May 1 (*Cal. Va. State Papers*, II. 80), mention a report from New York that Clinton was disembarking his troops. Cf. no. 80, *ante*: see also a letter from James Lloyd to the council of the Eastern Shore, Apr. 30, in *Arch. of Md.*, XLVII. 221.

New York and has been ready for sailing for some days with which gen S'r H Clinton is going."

NB. the foregoing Intelligence was received the 27th of April, since which no farther accounts have been received by

SAML. HUNTINGTON

86. THE PRESIDENT OF CONGRESS TO GEORGE WASHINGTON.¹

PHILADELPHIA May 1, 1781.

Sir,

Your Excellency will receive enclosed, a Letter from Mathias Halsted with several other Papers, representing the Misconduct of John Adam Deputy Commissary of Prisoners, which they have thought proper to refer to the Commander in Chief, that due Enquiry may be made respecting the Transactions of this Officer, and the Facts complained of and stated in those Papers.²

87. THE BOARD OF WAR TO GEORGE WASHINGTON.¹

WAR OFFICE May 1, 1781.

Sir,

There has been for some time past an Uneasiness among the Officers of Cavalry entitled to the Rank of Major if that Corps is on the same Footing with the Infantry with respect to Promotion and Number of Officers, on the Construction of the 2d Section of the Resolve of the 3d of October 1780. The Point is whether the Words "*with the same Number of commissioned Officers as at present*" refer [to] the Troop or the Regiment. The same Dispute will now arise in the Artillery as the Clause respecting that Corps is conceived in similar Terms. We are of Opinion that the Words refer to the Troop and that the Corps of Cavalry and Artillery should be on the same Footing as the Infantry as to the Number of Field Officers and of Course that a Regiment having only a Lieut. Col. Comr. should have two Majors. But we did not choose to report the Matter to Congress without asking your Excellency whether you knew of any Reasons to the contrary especially as some Members of Congress who were concerned in forming the Resolve put a Construction upon it different from our Opinion.²

[86]¹ Library of Congress, Washington Papers; *ibid.*, President's Letter-Book, p. 283.

² See the *Journals*, Apr. 27. Washington's reply, May 11, was read in Congress May 17.

[87]¹ Library of Congress, Washington Papers (signed "Richard Peters, By Order").

² Washington replied May 8: "I am of the same opinion with the Board respecting the construction of the Resolve of the 3d October 1780. It would defeat the end proposed by the abolition of the Rank of full Colonel in the Army were they suffered to be still created in the Regiments of Artillery and Cavalry." On the subject of promotion see his letter to Sullivan May 11 (*Writings*, ed. Ford, IX. 244, ed. Sparks, VIII. 39); also no. 112, *post*.

88. SAMUEL JOHNSTON TO JAMES IREDELL.¹

PHILADELPHIA, May 1st, 1781.

Dear Sir,

Since my last we have had despatches from our Minister at the court of Madrid as late as the 22d February, which contain a minute detail of his negotiations at that court. They do him infinite honor. I wish it were proper for me to communicate them to you: I am sure the perusal of them would not only afford you great pleasure, but give you a very high opinion of his abilities. Our affairs at that court are in such a train as promises a favorable issue, and I have reason to believe, from the best authority, that none of the European powers discover a disposition to favor Great Britain, except the Emperor and Queen of Portugal. The former, I have reason to believe, made offers of his mediation to the court of Spain, which were not very favorably received. The Northern Powers will certainly support the Dutch. The two extracts of letters of the 22d February and 23d January, published in the paper of the 28th of April, under the Philadelphia head, are from the best authority, and the intelligence may be relied on.² . . . I am now very impatient of some one's coming on to relieve me, and am determined to wait no longer than the beginning of next month, and at all events will leave this before the middle of it.

89. JOHN SULLIVAN TO GEORGE WASHINGTON.¹

PHILADELPHIA May 2d, 1781.

Dear General,

I Take the Liberty of inclosing your Excellency a Motion which I intend making in Congress provided it meets with your approbation. I have reasons for this Motion which were not proper in my Opinion to Lay before Congress but which I beg leave to lay before your Excellency. I Suppose it at Least possible That our reinforcement from France may be followed by a Superiour Naval Armament which may Arrive before any thing decisive can be Effected. Should this event take place we shall find ourselves unable to regain a Single Post the Enemy now possess and consequently the Campaign must be lost, unless by Some diversion we can reduce that force at Least to an Equality; and this in my Opinion cannot be so effectually done as by making a Diversion in Canada as they cannot reinforce but by water; and This will demand a Convoy of Capital Ships, but should not this Event take place Namely a Naval Superiority on their Side no injury can Arise from making the Necessary preparations as this will make a diversion in favor of our intended plans in this

[88]¹ McRee, *Life of Iredell*, I. 505.

² See no. 84, *ante*; cf. no. 98, *post*. Madison wrote to Jefferson May 1: "Congress have recd. a good deal of information from Europe within a few days past. I can only say in general that it is favorable. Indeed whatever consideration the powers of Europe may have for us, the audacious proceedings of our Enemy in all quarters must determine them to abridge a power which the greatest dangers and distresses cannot inspire with moderation or forbearance" (Madison Papers, Ac. 1081). The printed texts of this letter of Madison have "unfavorable" instead of "favorable" in the second sentence above.

[89]¹ Library of Congress, Washington Papers.

Quarter and Enable us in case of Disappointment to turn the feint into a Real Attack. I am clearly of opinion that our whole force should be employed to regain what we have already lost so Long as there Remains a probability of Success, but when the possibility of that Success ceases to Exist we ought not to loose the Campaign and Neglect to Conquer Posts completely in our power: because we are unable to gain those we prefer. In Short I am for doing something in case it should become impossible to do what I most ardently wish, viz regaining the Posts already lost and I submit to your Excellency whether even this will be possible unless the necessary preparations are previously made. These in my opinion may be made without much Expençe the Eastern States may be called upon to Embody some Battalions and make other necessary preparations which in case of a Naval Superiority may be employed against New York and Enable us to Detach from the Main Army to the Southward. I beg Your Excellency to Excuse the Length of this letter as it was only my intention when I began to give the hint without going into a Long train of Reasoning upon the Subject but have been insen[sib]ly led into it by perhaps too Warm an Attachment to a Plan which Your Excellency may convince me is not Eligible ²

90. JOHN SULLIVAN, PROPOSED ADDRESS TO CONGRESS.¹

[May 2, 1781.]

To the Hon'ble the Delegates of the United States in Congress Assembled,²

Gentlemen when I consider how much this Country has suffered by languid efforts; which instead of expelling the common enemy, have only served to exhaust the treasures of the United States; prolong the war and discourage the Citizens by a series of misfortunes. When I consider that the enemy are now entirely possessed of two States; occupy important post in several others; and hold uninterruptedly the Province of Canada, containing more territory than all the thirteen United States; and that this Province, which almost encircles them, must from its situation, and by the natural increase of its inhabitants, soon become sufficiently powerful in conjunction with the naval force of Britain, to deprive us of those privileges for which we have so long contended. That a peace ratified by Great Britain at this time, should even every post in the United States be given up to Congress, must finally end in the destruction of our liberties; for a long continuance of peace would only serve to render a conquest over us more certain. As it has ever been allowed that all forms of government which must Eventually end in the ruin of itself ought not to be adopted; so that situation which will in time bring destruction upon those who hold it, ought at all events to be avoided. Should peace be restored even upon the terms before mentioned, the increase of inhabitants

² Sullivan's plan, in the form of an address to Congress, follows (no. 90, *post*). Washington's reply, May 29, is in *Writings* (ed. Sparks), VIII. 58, with an account of its interception by the British and its publication in London. See no. 152, *post*.

[90]¹ Library of Congress, Washington Papers.

² See no. 89, *ante*. The address and the contemplated motion were not presented. See no. 152, *post*.

in every part of America will undoubtedly be in proportion to the extent of territory in each; and the Province of Canada will undoubtedly from its great extent, the goodness of its soil, and the advantages of its exterior and interior fishery and navigation, have almost as great an increase of inhabitants as the whole of the United States together. Of course an uninterrupted peace for a number of years, will only serve to accelerate the conquest of them, upon the commencement of hostilities, for Britain will only have to put her naval force in motion and the whole of these States from their situation with respect to Canada will be immediately invested by land and Sea: but should we be compelled to make peace upon terms less favourable, and the enemy be suffered to keep possession of every part of America which they now hold, a long continuance of peace will ensure to Britain without difficulty, that conquest which her arms have hitherto been unable to accomplish.

These considerations induce me to propose to Congress an immediate invasion of Canada, as the only means of relieving the Southern States, securing the liberty, and independence of the whole, and obtaining a peace upon terms favourable to their interest, to accomplish which no great expence of men or money will be requisite. As the inhabitants of Canada since our Alliance with France are well disposed to second us in the attempt; as that Country abounds in flour and other articles of subsistence for the Army; and the possession of the lower part of Canada will of course reduce every fortress of the enemy on the Lakes, and compell their Indian allies to sue for peace; as a road is now cleared within thirty miles of St. Johns and 45 of St. Dennies and may be compleated in fifteen days, I would propose that the Duc de Soison's legion, the New Hampshire line, and Hazens regiment, with some batallions of Militia from the New England States, and Vermont, not exceeding 6000 in the whole, be detached upon this expedition by the first of August next. That cattle only be furnished and sent on as there is a sufficiency of flour in Canada for support of the Army, while there; that the military and ordinance stores be sent from the most convenient posts in the New England States; and that the commanding Officer be empowered to inlist such volunteers in Canada as he may find necessary for making a sudden and complete conquest of the Country.

91. JOHN MATHEWS TO GEORGE WASHINGTON.¹

PHILADELPHIA May 2: 1781.

Dear sir,

You will no doubt think it some thing singular, that the inclosed should be of so old a date, and handed to you with this, but the reason of it is, that it was meant to go by Govr. Rutledge, who intended paying a visit at Head Quarters, but being taken ill, tho' expecting daily to be in condition to prosecute his journey, finding that not likely to be soon the case, I have requested Mr. Duane to be the Bearer of it.²

[91]¹ Library of Congress, Washington Papers.

² This was probably his letter of Apr. 16 (no. 63, *ante*). Washington's reply, June 7, is in *Writings* (ed. Sparks), VIII. 70, (ed. Ford), IX. 273 (in part).

Our last Accounts from Europe are very flattering particularly from Spain. From some circumstances that have lately taken place at that Court, it seems more favourably disposed towards us, than it hath hitherto been. And as soon as some late determinations of Congress, can arrive there, we have little room to doubt, but what our expectations in that quarter will be fully compleated.

The decisive measures pursuing by Holland, supported as they are, by the strongest assurances from Russia, places the war in Europe on the most formidable footing against G: Britain. Although the Emperor of Germany puts on the appearance of war, (and is, as generally supposed, in favor of G: Britain) Yet it is most likely he will be too much overawed, to enter seriously into it.³

How unfortunate is it, that with all these bright prospects in our favor, we have little or no ability to profit by them. However, as you will see Mr. Duane, and who proposes making a full communication to your Exc'y of the present state of our affairs, I shall forbear to ingroce your time with any further observations on that subject.

The inclosed extract of a letter, sent us by Genl. Moultrie, will shew yr. Exc'y what a deplorable state our unfortunate prisoners at Chs. town are likely to be reduced to, unless some thing can be immediately done for their relief. We are further informed L'd Chs. Montague has enlisted between 5 and 600 of our Continentals, and was daily engaging more, all intended for the West India service, so that, they must be for ever lost to us. The Committee of correspondence, by order of Congress, have written to Genl. Greene on this subject, to take the most effectual measures to effect an exchange, as far as his powers extend, but it's likely he will want some instructions from you on the business.⁴

92. DANIEL CARROLL TO THE GOVERNOR OF MARYLAND
(THOMAS SIM LEE).¹

PHILADELPHIA May 5th, 1781.

Dear Sir,

I enclose the paper of this day principally that you may see the Step the Executive of this State has taken with respect to the rate of Exa. of the Old Continental money, which has occasioned considerable uneasiness of this City, insomuch that the President and his Council have thought proper to publish their motives and reasons in a handbill, which I cannot obtain to Send by this Opportunity. There is reason to believe, that in consequence of the means adopted by the Executive, Old Continental money to a considerable amount has been forwarded to the Southward to be dispos'd of immediately, Jersey having likewise proclam'd the rate to be 150. As many individuals in our State, not withstanding this money

³ Cf. nos. 84, 88, *ante*.

⁴ Concerning the instructions to the "Committee of correspondence", that is, the committee whose function was to correspond with the commanding officer in the Southern department, see no. 84, *ante*. Apr. 28 another matter pertaining to the Charleston prisoners was referred to a committee of which Mathews was chairman. This committee made a report the same day, which was acted upon by Congress May 2.

[92]¹ Md. Hist. Soc., Red Book, V. 83; *Arch. of Md.*, XLVII. 230.

is not current by Law, may be injured for want of Notice, I was induc'd to give you this information to be made publick if you think proper. The Exa. before this measure was abt. 225. If the old mony passes for any thing after this Bustle [is] over it is probable it will be considerably more than double the Exce. just mentiond. A few days will determine.² I write this in a hurry and conclude.

93. DANIEL OF ST. THOMAS JENIFER TO JOHN HALL.¹

PHILA. May [June] 5th 1781.

My dear Sir,

I thank you for your favor of the first Inst. Censor had much better in my opinion employed his Penn in attempting to heal breaches than to have widened them. *As to one of the Rulers I do not care how soon he is changed.*

The Governor has informed Mr. Carroll that our supply of Money shall be speedy, and therefore it would be doubting his and the Councils attention at this time to apply immediately to the Genl. Assembly,² but our wants are so great that Mr. Carroll who has been for some days and still continues unwell could not apply to the Doctor because he had not Money to pay him for his Visit and Medics. The first Resolution of the Committee of the whole will do very well, the second perhaps is too broad. See what the other States do in this business before you carry your Resolution into a Law. Congress have laid the foundation of a general Bank which will preclude the idea of erecting others. Congress have heard nothing from General Green lately nor of the success you mention.

I expect that General Wayne will be able to join the Marquis tomorrow and that he will have it in his power to check the progressive motions of the Enemy.

Mr. Carroll and I wrote to the Genl. Assembly to add two Members to the Delegation. We expected the choice would have been immediately made and that we should have seen by this time Mr. Johnson, Mr. Stone, Mr. Carroll³ or yourself. Subjects of the last importance to the United States are before Congress, and unless we have the assistance of one or two of you in the course of this week it will be too late even for a finger to be put into the Pye, indeed my friend it will turn out as we ever expected, that if there is a peace we shall have very little to say to the terms of it. Therefore I wish our State would Stop the Sales of British and Refugee property for at least a Month or two till the Scene opens

² Cf. nos. 93-98, 108, 109, *post*. The *Pennsylvania Packet*, May 5, carried the proceedings of the Pennsylvania council May 2 and 4, relative to the rate of exchange, and the issue of May 8 contained a statement (one and a half columns) on the subject, signed by President Reed. It was doubtless this statement that was issued as a handbill. Both items are found in *Freeman's Journal*, May 9.

[93]¹ Hist. Soc. of Pa., Gratz Coll., M. O. C. This letter should evidently have been dated June 5, but the discovery is made too late to change its chronological place.

² See nos. 34 (note 3), 47, *ante*, and nos. 108, 109, *post*.

³ This "Mr. Carroll" was doubtless either Charles Carroll of Carrollton or Charles Carroll, "Barrister". The "Mr. Carroll" mentioned at the beginning of the paragraph was of course Daniel Carroll, the delegate, who was then present in Congress.

a little wider. We can do as some other States do, rub on without it: and however Congress may have spurned at the idea when Mr. Adams desired instruction on this head, they will I believe now reverse their tone.⁴ The King of Great Britain told you by his Commissioners that he would sooner part with his Crown than give up those who had sought his protection, and his obstinacy is unparalleled. Mr. Carroll and I thought of recommending this Subject to the consideration of the General Assembly immediately after the Minister laid his Memorial before Congress, but upon reflection finding that we were not at liberty to give our reasons for the adopting the measure we agreed to Postpone our interference till we were, concluding that not much would in this respect be done in the mean time. My friend, the French are powerful in the West Indies, perhaps they will Conquer Clinton there, *but whilst the Grass grows the Steed starves*.

I shall enquire for the Maps and Pamphlet you mention. I am with my compliments to Mrs. Hall

D'r Sir your affectionate friend

DAN OF S THOS. JENIFER

94. JAMES MADISON TO THE GOVERNOR OF VIRGINIA
(THOMAS JEFFERSON).¹

PHILADELPHIA May 5th, 1781.

Sir,

The Executive of New Jersey in consequence of authority vested in them by the Legislature for that purpose, by an Act of the 27th Ulto. established the rate of exchange between the old continental currency and the bills issued pursuant to the Act of Congress of the 18th of March 1780, to be 150 for 1. The Speculation arising from this measure to the prejudice of this State with the other reasons stated in the inclosed publication by the Executive Council led to their act of the 2d instant therein referred to declaring the rate between the two kinds of money above mentioned to be 175 for 1.² The effect of this declaration has been a confusion among the people of this City approaching nearly to tumult, a total Stop to the circulation of the old money, and a considerable stagnation and increased depreciation of the new.³ The difference between

⁴ Cf. no. 148, *post*. The resolutions of Congress relative to enemy property, to which Jenifer alludes, were adopted Oct. 18, 1780.

[94]¹ Hist. Soc. of Pa., Dreer Coll., M. O. C., III. 105 (signed, "By order of the Delegation, J. Madison Junr.").

² See nos. 92, 93, *ante*; cf. nos. 95-98, *post*.

³ The following appeared in the *Royal Gazette*, May 13:

"THE CONGRESS'S FINAL BANKRUPTCY

"By a person arrived from Philadelphia, we are informed that last Saturday [*i. e.*, May 5] a large body of the inhabitants with paper dollars in their hats by way of cockades, paraded the streets of Philadelphia, carrying colours flying, with a DOG TARR'D, and instead of the usual appendage and ornament of feathers, his back was covered with the Congress's paper Dollars, this example of disaffection immediately under the eyes of the rulers of the revolted provinces in solemn session at the State House assembled, was directly followed by the Jailor, who refused accepting bills in purchase of a glass of rum, and afterwards by the traders of the city, who shut up their shops,

the latter and hard money is at present vibrating from 4 to 1 downwards. Should the Circulation of the former therefore revive, its value can not exceed 1/700 of that of hard money. The opportunity which this circumstance gives and which we have reason to believe many are already taking measures to improve, of fraudulent speculation not only on the Citizens of Virginia, but on the State itself, is so obvious and alarming that we thought it our duty to set an Express in immediate motion to put you on your guard against the mischief.

The inclosed list of prisoners taken by Capt. Tilly has been communicated to us by the Minister of France in consequence of our application. We shall select such of the names as have already been mentioned by your Excellency as obnoxious and dangerous to the State, and put them into the hands of the Minister, who as well as the French Commander is entirely disposed to *secure* the State from all further apprehension from their malice. If there are any other names which you would wish to add to your former list we beg to be informed of them by the first opportunity. If there are any of the Prisoners who are not considered as objects of *much* dread, particularly of those who hold commissions we believe our Allies would chuse not to be deprived of the use of them as subjects of exchange.⁴

95. THE VIRGINIA DELEGATES TO THE GOVERNOR OF VIRGINIA
(THOMAS JEFFERSON).¹

PHILADELPHIA May 8th 1781.

S'r,

Having so lately and so often wrote to your Excellency we have little new to Communicate at present; the confusion respecting money still continues in this City, tho with less commotion than could be expected as in a few days the old Continental money has depreciated from two hundred to seven, eight, and some say nine Hundred for one. the new money has of course suffered in proportion—what this Convulsion will end in, it is difficult to surmise. in the mean time we are in infinite distress as may be easily supposed; the Currency of the old money has been sto[pped] for some days past and it is said to day that the new is about to share the same fate.²

In the midst of these misfortunes we have the pleasure to transmit to Yr. Excell'y a Copy of a letter from Genl. Cornell one of the members of the board of War, who has been deputed by Congress to visit the Magazines, and if possible to send to the southward such Arms, Cloathing and Military stores as we are in want of.³

declining to sell any more goods but for gold or silver; it was declared also by the popular voice, that if the opposition to Great Britain was not in future carried on by solid money instead of paper bills, all further resistance to the mother country were vain, and must be given up. . . ."

⁴ See no. 50, *ante*.

[95]¹ Hist. Soc. of Pa., Dreer Coll., M. O. C., I. 47 (signed by Smith and Bland).

² See nos. 92-94, *ante*, 96-98, *post*.

³ See the *Journals*, Apr. 21.

We have also the pleasure to acquaint your Excellency that about three thousand Suits of Cloathing are safely arrived at Boston from Spain, which our Friend the King of Spain has Enabled our Minister at that Court to procure.

N. B. About 400 of the Rampart arms to be made into good Muskets and fixed with Bayonets for the State as advised in ours of last week are finished and will be sent forward immediately and the others are finishing with all possible Expedition.⁴

96. DANIEL CARROLL TO THE GOVERNOR OF MARYLAND
(THOMAS SIM LEE).¹

PHILADELPHIA May 8th, 1781.

Dear Sir,

I wrote you a few lines last saturday informing you that large Sums of the old Continental money were sent to the Southward to be got rid of immediately in consequence of the Step taken by the Executive of this State. The enclosed paper contains a publication of the President and Council explaining their motives. The confusion still subsists in this city, I believe little or nothing can be bought here at present for the old money at any rate.²

I believe I lately enclosd to you a return of some cloathing which had been forwarded to Genl. Greens army. I have now the pleasure of informing you that two Vessels are arrived to the Eastward with Cloathing from Cadiz. A great part of this Supply will probably be applied to yr. Troops under Genl. Washington. Before this arrival Several articles were ordered as underneath. . . .

97. SAMUEL JOHNSTON TO JAMES IREDELL.¹

PHILADELPHIA, May 8th, 1781.

Dear Sir:

. . . . The great and sudden fall of the old Continental money, has occasioned very great convulsions and Dissatisfaction in this city, and has reduced all paper currency to a very doubtful state, very many refusing to have anything to do with it.² We have no official accounts from General Greene or the Southern Army since the beginning of last month. Report says he has turned his face towards Camden—if so, I doubt not he had good reason for his conduct. Mr. Robert Morris is appointed to superintend the finances of the United States. Great matters are expected

⁴ See no. 81, *ante*.

[96]¹ Md. Hist. Soc., Red Book, V. 80; *Arch. of Md.*, XLVII. 234.

² See nos. 92, 94, 95, *ante*, 97, 98, *post*. James Swan wrote to Dr. John Witherspoon, from Boston, May 24: "I received yours of the 8th instant. . . . The immense sums forced in here from your quarter, has entirely stopped the circulation and value of the old paper currency. The new is going fast—there has been most horrible doings by speculators from Philadelphia. I am very fortunate in being but slightly effected by the wreck." *Royal Gazette*, June 13, 1781.

[97]¹ McRee, *Life of Iredell*, I. 511.

² See nos. 98, 99, *post*.

from this gentleman's abilities. The finances of no country were at any time more deranged or more in want of wisdom and political knowledge to make them effectual.

98. SAMUEL JOHNSTON TO ALLEN JONES.¹

PHILADELPHIA, May 8th, 1781.

Dear Sir:

I wrote you a few days since by an express to the Governor of Virginia, informing you of the downfall of the old continental dollars in this city. They still lie prostrate, nor is there the least probability of their ever rising.² *I must repeat my request that you will either come or send some one to relieve me. I should have left the State unrepresented had not so many others been in that situation.* All the States to the Eastward of Jersey, and the State of Maryland, are without a vote in Congress, so that some of the most important business cannot be determined on agreeable to the Confederation. The scarcity of current cash makes it difficult to keep the several departments in motion. The pernicious practice of selling foreign bills at little more than half their value, is, for *very substantial reasons*, laid aside.³ My particular necessities must be too obvious; I therefore say nothing on that head.

99. SAMUEL JOHNSTON TO THOMAS BURKE.¹

PHILADELPHIA May 8th, 1781.

Dear Sir,

Since you left us, no great matters have been concluded in Congress except that Mr. Morris has agreed to accept the appointment in agitation when you went away, Congress having agreed to his terms in substance. Two ships are arrived at Boston with clothing for the Army purchased by Mr. Jay at Cadiz. We have likewise received Letters from that Gentleman, [and] Mr. Carmichael. The general disposition of the European powers are favorable to the common cause, as far as I am capable of Judging from such circumstances as have come to my knowledge. From a variety of Intelligence it would appear that Gen. Clinton means to make a grand movement, so much, that many think he will evacuate New-York altogether. In favor of this opinion they say two ship loads of the Inhabitants have sailed for Halifax, that others have bespoke passages and that some of the principal Inhabitants have sold their Estates at a price greatly under the value. It is certain that a great number of refugees from Jersey have returned and thrown themselves on the mercy of Government. The Council of this State a few days since rated the State money, one dollar of the new equal 175 old Continental. This has produced great

[98]¹ McRee, *Life of Iredell*, I. 509.

² Cf. no. 88, *ante*.

³ See the *Journals*, Apr. 27. The letter from Jay (Jan. 28, 1781) which led directly to this action is largely in cipher and undeciphered. Cf. his letter to Secretary Thomson Apr. 23, and that to the President of Congress Apr. 25, in Wharton, *Rev. Dipl. Corr.*, IV. 381, 384.

[99]¹ N. C. Hist. Comm., Thomas Burke Letter-Book, 1774-1781.

convulsions and in some measure stagnated the currency of all kinds of paper. Those who receive it, make the difference of four State Specie as it is called for one silver dollar. God knows where it will end. The Assembly is called to meet the latter end of this month.²

Pray do not neglect to extend all your influence for my relief. I would come off at any event, but I am of too much importance, for without me they could not make a Congress. Maryland is still unrepresented, and so is every State to the Eastward of Jersey. I expect you will have hot work this summer. I wish much to take a chance among you, for here, I am of no other use but that of filling a blank. I hope soon to have the pleasure of hearing from you.

100. JAMES LOVELL TO SAMUEL HOLTEN.¹

May 8, 1781.²

Dear Sir,

Your Favor of the 26. of April reached me yesterday. Your Troops are coming on "in large numbers." The General informs you that Tents etc. will be much wanted; and the Court will make their "usual Exertions". Indeed Doctor I am persuaded that in a Comparative View Massachusetts will appear to have been among the most vigorous States; but we are at this moment in the most disgraceful and hazardous Situation from the Backwardness of every individual State. Foreign Troops are to garison West Point because foreign Troops *can* feed themselves, and *are* paid. Our Quar'r Mast'r genl. has been obliged to sell some of his provision to enable himself to *transport* the rest to a Skeliton of an Army in Want of the very Pounds of meat or Flour which he has been forced to part with. If you know of a Compliance with one Requisition of Congress, *in Time and Quantity*, do let me have it that I may show it to the Delegates of the 12 States who cannot produce a single Instance.

We are in an Uproar here about the Money. Sailors with Clubs parade the Streets instead of working for Paper. The Beer houses demand hard for a Pot of Drink; and all this because the Council have published that the difference between Silver and old Continental was 174, the latter having been sold 180 and 200 for one several Days. Did Massachusetts sink its Quota by the 1st of April? Some States had not then begun to sink a Shilling.³

You say Mr. Partridge and Mr. Osgood are coming on: I ask with what money in their Pockets? That of our State is not counted money here. The old continental is dying by Yards not Inches. . . .

² Cf. nos. 92-98, *ante*, no. 100, *post*.

[100]¹ *Essex Inst. Hist. Colls.*, XIII. 230.

² Preceding this letter in the volume named is a brief letter of the same date, evidently written later in the day, and touching upon some of the same matters. Then follows this remark: "I scratched a Letter and would not trust it to the Post. Perhaps I shall send it by Mr. Payne who goes tomorrow." It was, no doubt, the letter here printed that he was unwilling to trust to the post. Cf. no. 102, *post*.

³ Cf. nos. 88, 92-99, *ante*, 101, 104, 105, 110, 116, *post*.

101. JOHN SULLIVAN TO THE PRESIDENT OF NEW HAMPSHIRE
(MESHECH WEARE).¹

PHILADELPHIA May 8th, 1781.

Dear Sir,

I observed in Rivingtons paper a Letter from you Informing me that I might Draw upon you for two hundred pounds State money, which Letter was intercepted in the mail taken at the Clove and Rivingtons publication of it is the first Intelligence I have had respecting money for my Support for Six months past.² I am unwilling to say much respecting money or other affairs least This might fall into the Enemys hands. Continental money is received here by few persons; when it is passed a Decree of the Governor and Council has fixed it at 175 for one State Dollar and these State Dollars pass only at five for one of Silver and are Daily falling. New money from other States pass at forty for one of the old Continental; of course four of your Dollars will not purchase one of this State and five of them must be Employed to obtain a Silver Dollar, which when purchased will not go so far in Supporting a person here as half a Dollar formerly would.³

The Sum you or rather Mr. Rivington Informs me I may Draw for is 666 Dollars and two thirds. This upon the calculation I have before made would Neat me 70 Silver Dollars and two thirds which would pay Eight weeks Lodging for a Single person without Servant Horse Liquor Wood Candle or any other Article.

I have prevailed on a friend of mine to take a Bill on you as he is going Eastward and give me New money of this State for that of New Hampshire dollar for dollar. This makes the 70 Silver Dollars amount to 133 and this would Last as Long as half the Sum would in 74. I need make no Comments: I am willing to Submit to any Inconvenience to Serve my Country but to be an Ambassador and a Beggar at the same time would be disgraceful, not to me but to my constituents.

I do not mention these things by way of Complaint; it would be unjust and ungenerous to Censure an assembly or State who have Exerted themselves more than any other to Support the Common Cause, but it is my duty to give Every Information necessary for them to know and perhaps my own feelings may be (Though not falsely yet) too strongly painted in the representation.

[101]¹ Mass. Hist. Soc., C 81 B 27.

² Weare's letter to Sullivan, dated at Exeter, Mar. 17, was printed in the *Royal Gazette* of Apr. 25. The committee of safety had been directed, he said, to forward some money but had not had it in their power to do so because there was no money in the treasury. "The General Assembly are now met, and have directed me to inform you, that you may draw bills on me, payable at four days sight, for any sum you may have occasion for, not exceeding two hundred pounds, in bills of the new emission, issued agreeably to the resolution of Congress, of the 18th of March, 1780, which bills so drawn on me shall be duly honoured."

³ See no. 100 (note 3), *ante*.

102. JAMES LOVELL TO SAMUEL HOLTEN.¹

May 9th, 1781.

My dear Sir,

I had begun to write to you, to go by Post yesterday, but fell upon a Topic not fit to be trusted in that way, and therefore covered you a news Paper under a few Words of Intelligence.² I had a private Occasion to write afterwards to Mr. Gerry somewhat largely about money, and therefore do not add any Thing to the inclosed Scrawl, persuaded that he will converse with you respecting my Letter and the Position of your Delegates here. But I must not refrain from adding that their private Embarrassments are but a small Clue towards explaining their public. Congress without their money Presses, depending on the punctual Supplies of the States are, at this critical Period of the Campaign, as a Set of Clockmakers from whom an Orrery or Microcosm is expected tho' their Hands are evidently struck with the dead Palsy.

I shall trouble you not again with any private Concerns. If I can hobble up Street I will endeavor to make the Backwardness of the Printer of the Journals less and less a Disadvantage by giving you often manuscript Heads of what you ought to know.

103. JAMES LOVELL TO BENJAMIN FRANKLIN.¹

PHILADA. May 9, 1781.

Hon'd Sir,

Mr. Samuel Curson and his partner Mr. Isaac Gouverneur, junr. after St. Eustatius was taken were put on board the *Vengeance* Man of War Com'dore Hotham to be sent to England stripped of every Thing but their wearing apparel, their Books Papers and Slaves having been taken from them and Mrs. Gouverneur with a young Infant turned out of Doors. Special Severity, it is supposed, has been shewn to them in Consequence of their acting as Agents to Congress. Doctor John Witherspoon junr. also who was Surgeon of the *De Graaf* Letter of Marque taken at St. Eustatius, is sent to England in the *Alcemena* Man of War and very hardly treated on Account of his Father being a member of Congress, as is supposed.

Your particular attention to the Exchange of these Persons will tend to give a general Confidence to all who being connected specially with Congress are exposed to Captivity, and will also very particularly oblige the Relations of these Unfortunates who have requested Congress to mention these Circumstances to you.²

[102]¹ *Essex Inst. Hist. Colls.*, XIII. 231.² The first of these letters referred to is no. 100, *ante*; the second that mentioned in note 2, *ibid*.[103]¹ *Am. Phil. Soc.*, Franklin Papers, vol. XXII., pt. I., no. 13 (signed "James Lovell, For the Com'tee of For. Affrs"); Wharton, *Rev. Dipl. Corr.*, IV. 405 (with numerous variations of phraseology).² Nothing concerning this matter appears to have found record in the *Journals*. See no. 160, *post*; also Wharton, *Rev. Dipl. Corr.*, IV. 624, 708, 847; Hays, *Calendar of the Franklin Papers*, III. 393, 423, 458; Fitzpatrick, *List of Franklin Papers in the Library of Congress*, pp. 105, 109, 113-115.

104. SAMUEL LIVERMORE TO THE PRESIDENT OF NEW HAMPSHIRE
(MESHECH WEARE).¹

Dear Sir,

PHILADELPHIA May 13th, 1781.

I arrived at this place last evening and tomorrow I intend to go to Congress. I have the pleasure to find Genl. Sullivan well and as Our State has had no vote in Congress for some time past he is determined to tarry here for the present. There is nothing here as interesting as the present fluctuation of paper currency. The old continental is as low as 500 for one. Our State new emission is not known here as Pennsylvania have not emitted their new emission of Continental but made an emission of their own State mony in stead of it. Connecticut did the like. So that I had the utmost difficulty to travel thro' Connecticut, York, Jersey and Pennsylvania on paper mony. And being here I cant live one day on our State mony. Their own State mony which they made to be equal to hard mony goes at about six for one.²

P. S. I think on farther information that our old acquaintance and friend *Paper mony* is going to be ranged out.

105. MERIWETHER SMITH TO JOHN BECKLEY.¹

Sir,

PHILADELPHIA, May 13th, 1781.

I have been detained here since the first of this Month for want of Money to enable me to leave the City and to pay my travelling Expences, to Virginia. Such is the State, of Things in this City that it is difficult to obtain a daily Subsistance; owing to the violent Shocks the Credit of the paper Currency hath received. I hope the Evil will be in some degree remedied by to morrow,² in which Case I shall set out for the Genl. Assembly, who I hope will consider these Circumstances and not be impatient for my Attendance, according to Order.

I have the Honor to be, with very great Esteem, Sir,

Yr. most obedt. servt.

M. SMITH

106. THE PRESIDENT OF CONGRESS TO THE STATES FROM
NEW HAMPSHIRE TO PENNSYLVANIA.¹

Sir,

PHILADA. May 14, 1781.

The United States in Congress have this Day received Intelligence of so alarming a Nature that they think it their indispensable Duty immediately to forward it to you; and at the same Time to assure you that upon a serious Review of public Affairs they are convinced that unless the

[104]¹ N. H. Hist. Soc., Weare Papers, IX. 109.

² Cf. no. 100 (note 3), *ante*, and nos. 116, 121, 123, *post*.

[105]¹ Copied from the original, then in the possession of Mr. Stan. V. Henkels of Philadelphia (addressed, "Jno. Beckley Esq. Clk of the House of Delegates Virga").

² See the *Journals*, May 8, 14, 15, 17, 22, and no. 104, note 2, *ante*.

[106]¹ Library of Congress, President's Letter-Book, p. 288; Mass. Arch., CCII. 292; N. J. State Lib.; N. J. Rev. Corr., p. 278.

several States immediately and punctually comply with the Acts and Requisitions of Congress the worst of Consequences must ensue.

Had the States paid due Attention to the Act of 18th March 1780 and complied with the Requisition of the 26th August, the Quarter Master would have been in Capacity to do his Duty and to have forwarded the Supplies which the States were called upon to furnish by the Act of 4th November. But as that has not been done the States must now not only furnish the Supplies but they must also forward them to the Places where they are wanted. For this Purpose I enclose an earnest Recommendation passed this Day upon Receipt of the Intelligence above mentioned, and flatter myself that from the Necessity of the Case, your State will strain every Nerve and exert every Power to send forward the Supplies and prevent the fatal Events which must otherwise inevitably ensue.²

107. SAMUEL HUNTINGTON TO THE GOVERNOR OF CONNECTICUT
(JONATHAN TRUMBULL).¹

PHILADELPHIA, May 14, 1781.

Sir,

My official despatches to your Excellency which accompany this will shew the alarming situation of the army and posts to the northward on account of provisions.² I have long since been convinced that the present method of supplying the army with provisions by requisitions on the several States, a method dictated merely by necessity, is and will be attended with great difficulties and embarrassments, yet Congress have no other means in their power at present to obtain the necessary supplies, and must depend upon the States to furnish them agreeable to their requisitions as the only means to keep the army together.

Congress in the mean time are endeavoring to devise other means, if possible more eligible to feed the army, to be put in practice as soon as possible, but without money nothing can be done. The delegates from

² The intelligence referred to was no doubt that contained in Washington's letter of May 8 (*Writings*, ed. Ford, IX. 240), read in Congress this day. According to the *Journals*, Washington's letter, together with letters from Lafayette and Governor Jefferson, was referred to Sullivan, Varnum, and Montgomery; yet later in the day a committee, consisting of Witherspoon, Bland, and Carroll, made a report upon that letter, and it appears to have been primarily upon the basis of that report that this letter of President Huntington was written. The appointment of the latter committee is not recorded in the *Journals*, but the endorsement on the letter indicates that it was a new committee, to take the place of the committee first named, although there named in the order Bland, Carroll, and Witherspoon.

One part of Washington's letter however pertained to the Gates court of inquiry, and on May 18 this part of the letter was referred to Sullivan, Varnum, and Atlee, the only change from the committee first named on the letter being the substitution of Atlee for Montgomery. A memorial from Gates, dated Apr. 24, had been presented to Congress Apr. 25 and was ordered to be transmitted to Washington, which was done by President Huntington Apr. 26. That part of Washington's letter here referred to was in response to this communication from the President. See the motion of Varnum May 24 (*Journals*, p. 533 n.), and nos. 126, 156, *post*.

A letter from Gen. John Armstrong, sometime member of Congress, written from Philadelphia May 10 to an unidentified correspondent and relating chiefly to Gates's memorial, is among the Armstrong Papers, Force Transcripts.

[107]¹ Mass. Hist. Soc., *Collections*, seventh ser., III. 227.

² The circular of May 14 (no. 106, *ante*).

Connecticut who lately left Congress will be able to represent the distressing situation of public affairs from the state of our finances, yet at the same time from all accounts we can collect there are plentiful resources in the country. . . .

108. DANIEL OF ST. THOMAS JENIFER TO JOHN HALL.¹

PHILA. May 15th 1781.

Dear Sir,

The late scale of Depreciation as laid down by the Presidt. and Council of this state has thrown every thing into Confusion; no Money except hard will pass in this City but at the most ruinous rate. Our Northern Army is starving, and Congress have it not in their power to remove one hundred barrels of Flour.

I received from the Treasurer of our State Three hundred and forty pounds of the New Emission in Consequence of an order from the Gov. and Council, part of this money I exchanged for Continental, being told it was money that was preferred in Phila. to any other paper. On my way up I met numbers of speculators from Phila. with quantities of Continental to pass it off in our State. How they succeeded I know not, but that, nor any other paper will now pass in this City but at the most destructive rate. I have therefore returned the Continental to Mr. Stone in hopes the Assembly will give directions to the Treasurer to receive this money in exchange for Bills of the New Emission, I should also have returned the New Bills (for I cannot pass them here) but they are too bulky. What the Maryland Delegates will do for want of Money, I do not know, there is but one mode by which they can be supplied *i.e.*, to order a quantity of superfine Flour, to be manufactured at the Head of the Bay. Superfine flour will command hard money. Should this plan be adopted by the Assembly or the Governor and Council Mr. Joseph Gilpin will execute it with dispatch. Col. Hollingsworth has too much upon his hands to pay proper attention to this business, besides he might not be in the way when this order might arrive at the head of Elk. Had I hard money or could I procure it on my own Credit, I should not hesitate to pledge myself. If no mode of supply can be fallen upon, I must soon return to Maryland.²

Our affairs are in a most wretched situation. Congress is at its wits End—everything at a stand and unless the French fleet and Army arrive very soon we shall in all probability be in the most deplorable situation.

The navigation of the Mississippi has prevented us from procuring supplies from Spain. Congress have relaxed and made this point in the Ultimatum Negotiable, but too late for any supplies for this Campaign.* The Emperor has deferred his Mediation. I fear that there is too good an Understanding between the Courts of Vienna and London.

We have received no late advices from Europe.

[P. S.] The Back Lands as a fund will be attempted in a day or two.

[108]¹ Hist. Soc. of Pa., Dreer Coll., Federal Convention, p. 68; *Pa. Mag. of Hist. and Biog.*, XXIX. 198.

² Cf. nos. 34, 47, 93, *ante*, 109, 113, 129, 134, *post*.

³ See the *Journals*, Feb. 15.

109. THE MARYLAND DELEGATES TO THE GOVERNOR OF MARYLAND
(THOMAS SIM LEE).¹

PHILADELPHIA May 15th, 1781.

Sir,

The late scale of depreciation settled by the Presidt. and Council of this State, has had such an effect upon the Minds of the people at large in this City, that no paper Money will pass but upon the most ruinous terms; ² nor will it be in our power to continue here without Your Excellency and the Council can fall upon some other Mode of Supply than that of Paper Money. We know of but one, and that is to direct the Grinding up some Wheat at the head of the Bay into Superfine Flour; this Article will command hard Money without which, nothing can be done at this place. Mr. Joseph Gilpin would undertake this business and execute it with dispatch. Coll. Hollingsworth the Comm'y Genl. has too much on his hands to allow him to pay proper attention to this Mode of Supply, besides he might be from the head of Elk when the Order might reach that place, and our situation is such that delay would be distressing.³

110. JOHN SULLIVAN TO THE PRESIDENT OF NEW HAMPSHIRE
(MESHECH WEARE).¹

PHILADELPHIA May the 15 1781.

Dear Sir,

Since my Last I have had the pleasure of being Joined by Mr. Livermore; he had much difficulty in getting here with the Assistance of paper money (only) and finds himself unable to pass it here at any rate. paper money received a fatal stab here about ten days since. Indeed it has Ever been an amazing Loss to the Eastern States to Send paper to this place as it would take four times as much here to purchase a hard Dollar as would be requisite there. But there now Seems to be a Stop put to paper in this City for the present. I have borrowed hard money for my Support for a Long time past: but now we are both under a necessity of Drawing on you for hard money. I shall Draw for two hundred pounds and Mr. Livermore for one. I did not make the Exchange mention'd in my Last as I found it would answer no purpose.²

111. JOSEPH JONES TO GEORGE WASHINGTON.¹

PHILA: 16th May, 1781.

D'r S'r,

Having returned to Congress a few days only and private matters requiring my attention for great part of the time I have not been able regularly to attend to Business or to acknowledge the receipt of your

[109]¹ Md. Hist. Soc., Red Book, V. 82 (signed by Jenifer and Carroll); *Arch. of Md.*, XLVII. 244.

² See nos. 92-98, 108, *ante*.

³ See no. 108 (note 2), *ante*, and nos. 113, 129, 134, *post*.

[110]¹ N. H. Hist. Soc., Weare Papers, IX. 111.

² See no. 109 (note 2), *ante*.

[111]¹ Library of Congress, Washington Papers; *Letters to Washington* (ed. Sparks), III. 313; *Letters of Joseph Jones*, p. 74.

favour transmitted to Philadelphia after my leaving it and sent after me to Virginia by Mr. Madison. . . .² We are told all the Ships of war have left New York with abt. 2000 Troops, after having once put back.

Adieu. Pardon the haste of this Letter wch is written in Congress in consequence of the Presidents information an Express was going off for Head quarters.

112. JOHN SULLIVAN TO GEORGE WASHINGTON.¹

Dear General,

PHILADELPHIA May 17th, 1781.

I was Last Evening honored with Your Excellencys favor of the 11th Instant.² I am sorry that the Report Respecting promotions has been so long Delayed, but this delay has not been Occasioned by any Difference in Sentiment between your Excellency and the Committee. Your Reasonings were attended to and there Remains no Difference of Sentiment between us though perhaps Congress may make some alterations Disagreeable to us all.

The Report has Long Since been Made to Congress, two Days have already been Spent in Considering it and I flatter Myself that this Day will bring it to a Conclusion.³ The Situation of Colo. Tilghman and other Gentlemen of that Line has opened a Field Extensive Enough and Occasioned Much delay. I hope however to Obtain Such a Determination as will do Justice to the feelings of Those Gentlemen who have Merited so Much from the public. I Lament exceedingly the Distresses of our Army, the deplorable Situation of our Public Affairs, and tremble for the Event. Mr. Robert Morris has Accepted the office of Minister of Finance upon which I Sincerely congratulate Your Excellency and My Country.⁴

The appointment of the other Officers is delayed for Reasons which I cannot comprehend. The ostensible one Respecting a Minister of War is that There is no man Existing upon whom Congress can agree.⁵ Many of the Members Say that if Your Excellency or the principal Officers Would Recommend any person they Would immediately proceed to the Choice of that officer, and I presume that of Marine as also that of Foreign Affairs Would follow of Course. We have No News worthy Your Excellencys attention.

113. THE MARYLAND DELEGATES TO THE GOVERNOR OF MARYLAND
(THOMAS SIM LEE).¹

Sir,

PHILADELPHIA May 19th, 1781.

We immediately upon receipt of the Letter you honord us with by Mr. Croxall, laid it before Congress, who refered it to a Special Com-

² An omitted passage refers to the probable movement of the enemy against the Southern states and the consequent need of aid to those states. See no. 136, *post*.

[112]¹ Library of Congress, Washington Papers; Harvard Univ. Lib., Sparks MSS., no. 66, vol. I., p. 378.

² See no. 87, *ante*.

³ The measure was passed May 25. See vol. V., no. 571, and no. 21, *ante*, nos. 127, 128, *post*.

⁴ See the *Journals*, May 14, and nos. 14, 46, 48, *ante*.

⁵ Cf. nos. 14, 24, 25, *ante*, and no. 265, *post*.

[113]¹ Md. Hist. Soc., Red Book, V. 83 (signed by Jenifer and Carroll); *Arch. of Md.*, XLVII. 247.

mittee. We have some reason to believe the measure proposed cannot be carried into execution, as a report on an application to send provision to Charles Town for the prisoners there, was rejected. It is therefore probable, the report will go no further, than that the State may send Tobacco for the purposes mentioned. The Board of War having wrote to Genl. Washington to know of S'r H'y Clinton whether Tobacco would be received at Charles Town to be disposed of for the use of the prisoners, his answer may likewise determine whether it would be received at New York. We hope to be able to inform you of the determination of Congress by the post ²

P. S. We return to the Treasury by Mr. Croxall, the money which was drawn for us, we can make no use of it here.

114. THE PRESIDENT OF CONGRESS TO THE PRESIDENT OF PENNSYLVANIA (JOSEPH REED).¹

Circular.

PHILADELPHIA May 19th, 1781.

Sir,

Congress are under the disagreeable necessity of informing you that they have received Advices from the Commander in Chief and Officers commanding Seperate Posts assuring them that unless Supplies of provisions are immediately furnished by the States the Army must disband and some of the most important posts be evacuated.

This alarming Intelligence Congress have thought proper to communicate to the respective States and at the same time to assure them that unless prevented by a full and speedy Compliance of the States with the Requisitions of Congress those fatal Events must inevitably take place.²

115. THE PRESIDENT OF CONGRESS TO THE SEVERAL STATES.¹

Circular.

PHILADELPHIA May 19, 1781.

Sir,

Your Excellency will receive enclosed, the Copy of a Resolve of the 17th Instant, recommending to the several Legislatures to enact Laws making further Provision (as specified in the Resolve) to guard against

² The letter from Governor Lee, dated May 10, was read in Congress May 17, and a report was made upon it May 25. The letter is in *Arch. of Md.*, XLV. 430. See also the council to Washington and to Charles [M.] Croxall, same date, *ibid.*, p. 431, and Croxall to the governor and council, May 14 and 26, *ibid.*, XLVII. 241, 254. The letter from the board of war to Washington, dated May 2, and Washington's reply, May 16, are in the Washington Papers. Other letters (*ibid.*) relating to the subject are: Washington to the board of war May 29, Lafayette to Cornwallis June 2, 20, Cornwallis to Lafayette June 4, 28. Lafayette transmitted the correspondence with Cornwallis to Congress July 21, and President McKean transmitted it to Washington July 26. See no. 217, *post*.

[114]¹ Hist. Soc. of Pa., Gratz Collection, M. O. C.; *Pa. Arch.*, first ser., IX. 151.

² This letter does not appear in the President's Letter-Book. It is of the same purport as the circular letter of May 14 (no. 106, *ante*), and inasmuch as no text of that circular addressed to President Reed has been found it seems probable that this later and modified letter took the place, in the case of Pennsylvania, of the circular of May 14.

[115]¹ Md. Hist. Soc., Red Book, VIII. 26; *Arch. of Md.*, XLVII. 246; Mass. Arch., CCIII. 287; Library of Congress, President's Letter-Book, p. 289; *Pa. Arch.*, first ser., IX. 151.

the Abuses and deceitful Practices of the British by making use of Papers and Clearances they may take in America Vessels

The Measures recommended in this and the former Resolve of the 11th of November 1780 become the more necessary, as our Allies have not only suffered by the Deception of the British, but in several Instances our own People in the West Indies have also suffered from the French under the Apprehension that they were British, for Want of Evidence and proper Documents to evince the contrary.

116. JOHN WITHERSPOON TO RICHARD HENRY LEE.¹

PHILADELPHIA May 19, 1781.

Dear Sir,

A few Days ago I was favoured with yours of the 27th of April by your Brother.²

. . . . You must have heard before now of the dreadful Blow which Paper Money of all Kinds has lately received. It is lamentable to think how our Operations are hindered, our Army distressed and our Funds missed by our trusting to Paper Money. Just now my son in law has met with a stroke of that kind. When he left Virginia he sold his Furniture on Credit, has been paid in Paper and his Brother bringing two Weeks ago several thousand Pounds continental money it perished in his hand in one Week and would not enable him to travel 50 miles.

A Committee of Congress of whom I am one have been making a last Effort for putting an End to the use of Paper but though some of the parts of our System have been adopted I am affraid it will be finally defeated by those still hankering after the partial use of that deceiver.³ It is probable you will have the News upon this and other subjects sent you fully by your Brother. Some Dispatches came to the Minister of France to day of which we shall know the Contents on Monday—if there be any thing particularly interesting that can be communicated I shall either write it to you by the Post or tell him that he may write it.⁴

We have got a new Delegate from N. H.⁵ but I cannot as yet tell much about his Principles or probable Conduct. Mr. Duane is gone and New York is not represented neither is Connecticut, Rhode Island nor Delaware, a Piece of Neglect wholly inexcusable at this Time.⁶ The President of Congress asked Leave lately to go home and a Day was fixed for the Choice of another. The Ballots being taken upon that Day no one had more than two Votes so that we requested the President to continue and it was postponed *sine die* and I think it probable he will continue till the

[116]¹ Md. Hist. Soc., Gilmor Papers, vol. III., div. 5 (addressed, "Richard Henry Lee Esqr at Chantilly to the Care of the Postmaster of Leedstown Virginia").

² Lee's letter of Apr. 27 to Witherspoon is not known to be extant.

³ See the *Journals*, May 8, 14, 15, 17, 22, and nos. 100, 101, 104, 105, 110, *ante*, 121, 123, *post*.

⁴ See the *Journals*, May 22, 23, 28 (pp. 549, 556), June 1, 2, 4-9, 11, 13-15, 18, 19; cf. nos. 122, 130, 131, 152, 153, 157, 168, *post*.

⁵ Samuel Livermore. See no. 104, *ante*.

⁶ A letter from William Churchill Houston to Governor Livingston May 19, insisting upon a division of labor in attending Congress, was in the collection of the late Judge Garrett D. W. Vroom of Trenton.

Fall. I believe if your Colleague Mr. Jones would have agreed to serve he would have been chosen. If a new attempt is made I think either he or Mr. Jenifer of Maryland will be the Man.⁷ We are all at present very anxious about the Situation of your State and impatiently looking for a greater Sea force.

117. JOHN MATHEWS TO NATHANAEL GREENE.¹

PHILADELPHIA May 20th, 1781.

Dear Sir,

The various accounts we frequently have here, and the want of information from you, puzzles us exceedingly: a thousand conjectures are formed, but your true situation we can learn nothing of. A man arrived here yesterday, one Jennette, who says he left you before Camden on the 27 Ultio. and that it was expected that place would surrender to you in the course of four or five days. This will serve you as a specimen of the Reports I have above alluded to. You may readily suppose our anxiety is not small, when we receive such intelligence, to hear something from the fountain head. We so frequently receive similar intelligence which is soon again contradicted, that we are grown callous, and believe nothing but what we get officially. I hope we shall soon hear from you, and be relieved from this cruel state of doubt and uncertainty; and I flatter myself when it does arrive, it will be pleasing; tho' I must confess, we have little reason to expect it.

Congress have at last put *the means* in Genl. Waynes hands to march, and I have no reason to doubt, but what he is this day on his march. Had this been done six weeks ago (which might as well have been then done, as three days ago) he would in this hour been with you, and in all probability prevented the present movements of the enemy. But whilst we have men at the head of our affairs, who are uniformly opposed to the least deviation from the plain John trot mode of doing business, whose souls are confined within the compass of a nutshell, and who like Dean Swifts Peter, Jack, and Martin, tremble at the very Idea of doing anything, that is not strictly enjoined them by their *fathers Will* tho' the salvation of the country depended on it, I say whilst we have such Quidnunc politicians to manage our affairs, we must expect nothing vigorous, or decisive, being done. However they have at length in one instance blundered across the Rubicon (but I believe most of them did it with their eyes shut, as Children do, when they walk in the dark, for fear of meeting the Devil in their way)—I mean the vote that was passed, giving powers to Genl. Wayne, to press provisions on his march, whenever he wanted them. Perhaps you may laugh at my making such a fuss about this affair, as your army is fed by scarcely any other means. But remember there is no such power *literally* given to Congress by Confederation and to act up to the spirit of it, is a doctrine supposed to be big with many evils, therefore reprobated. I conceive it to be a great point gained, to drive them

⁷ See the *Journals*, May 8, 10, July 6, 9, 10 (pp. 733, 737), 12; cf. nos. 33 (note 2), 40, *ante*, and no. 190, *post*.

[117]¹ William L. Clements Library, Greene Papers.

from this ground; it looks like conceding the point, and that necessity will oblige them to interpret the powers given by the Confederation in their utmost extent, and in my opinion, ought upon some occasions, to be strained to answer the great purposes of war. But I apprehend, when these Doughty heroes have opened their eyes, and looked back on the tremendous gulph they have passed, they will be astonished at their own temerity; and the next they come to, they will make a halt, to examine their tender consciences, whether, after having escaped so great a danger with impunity, it would be prudent to tempt their fate again; and most probably, the result will be, that they are sure the Devil must fly away with them, should they sin a second time, and of course they will apostatize.² In which case, it will a Herculan labour to bring them back to the charge.

The backwardness of the States in executing the requisitions of Congress is intolerable, and when they do, it is in such a loose, discordant manner, that their small exertions produce little good, from whence principally arises our embarrassments. It therefore appears to me absolutely necessary, and for the true interest of the Union, that the several states should give to Congress Dictatorial powers during the war, and instruct their Delagates to take the most vigorous measures for prosecuting the war. This power is certainly more safely lodged in the hands of such a body as Congress, than any other. The only objection I have to it is, that I am afraid, they will want spirit to do their duty, but this may be remedied by spirited instructions. Something like this must soon be done or I am clearly convinced our affairs will grow from bad to worse, which must end in our utter ruin. Those states that are in perfect tranquillity, and feel nothing of the effects of the war, will I know, be averse to such a measure, therefore I despair of its being done, but they will too late find, when the house falls, they will inevitably be crushed in its ruins. We must either stand or fall together. However they may amuse themselves with the Idea of sacrificing some for the good of the whole, the hypothesis will prove fallacious, *divida et impera*, is an axiom that will prove as certain, as it is old.

I am My D'r Sir with sentiments of the most sincere Esteem and Regard

Your most Obedt. Servt.

JNO. MATHEWS

118. THE PRESIDENT OF CONGRESS TO HORATIO GATES.¹

PHILADA. May 22, 1781.

Sir,

By the enclosed Copy of a Resolve of the 21st Instant you will be informed it is the Sense of Congress That, as from the Situation of public Affairs a Court of Enquiry cannot speedily be held, you are at Liberty to repair to Head Quarters, and take such Command as the Commander in Chief shall direct

² Mathews first wrote "return to their old", then substituted "apostatize".

[118]¹ Library of Congress, President's Letter-Book, p. 290.

While I lament those Impediments which prevent such immediate Enquiry as I am perswaded you would wish to take Place, I presume the Zeal and Attachment you have at all Times manifested for the Service and Interest of the Confederacy will not suffer her to be deprived of the Services of an experienced and able Officer at this important Crisis.

119. JAMES LOVELL TO SAMUEL HOLTEN.¹

May 22d, [1781.]

D. Sir,

. . . . I have already mentioned to Mr. Adams his Namesakes Plan of a Loan in Holland and our Receipt of a most cordial Letter from the King of France upon the Representation of our Finances last November. We have not yet the Detail of his friendly Intentions. They are communicated in Cyphers.²

120. JOHN MATHEWS TO NATHANAEL GREENE.¹

PHILADELPHIA May 22d, 1781.

Dear Sir,

Your dispatches of the 22 and 27 Ultio. were very welcome to us, not having heard from you for so long a time before.² The accounts we heard from time to time, seemed only to confuse, instead of inform us. I lament with you the unfortunate turn in the action of the 23d Ultio. It must have been a most mortifying circumstance to you to have such a victory snatched out of your hands by the blunder of a single man. It was not only the immediate advantages resulting to us, that we are to look to, but the eclat that would have been given to our arms abroad, this would have been of still more importance. However, we must look for better fortune another time. I dare not flatter myself so far as to say, I shall yet hope to hear of the reduction of Camden, but I will rest satisfied with this assurance, that every thing that can be, will be done for the best.

Congress this day received a very affectionate and friendly letter from *the King of France*.³ He gives us every assurance of the most substantial

[119]¹ *Essex Inst. Hist. Colls.*, XIII. 232.

² Lovell wrote to Nathaniel Peabody the same day, principally upon private matters, but added a postscript to say, "We have this day had a most cordial Letter from the K^g of France" (N. Y. Pub. Lib., Misc. MSS., Lovell). See the *Journals*, May 22, 23, 28. The letter, dated Mar. 10, 1781, is found in the *Journals* under May 28, also in Wharton, *Rev. Dipl. Corr.*, IV. 277.

[120]¹ William L. Clements Library, Greene Papers.

² See no. 117, *ante*. Greene's letters were read in Congress May 21 and referred to a committee of which Mathews was a member. The committee brought in a report May 26 (see the *Journals*, pp. 544, 548). Mathews is not however here writing as a member of that committee, but either as an individual member or as chairman of the committee of correspondence. There is little if any differentiation to be discovered between his letters to Greene signed individually and those signed as chairman.

An extract of a letter from Daniel of St. Thomas Jenifer to an unknown correspondent, May 22, is in Henkels' *Catalogue*, no. 683, item 331. It relates chiefly to Greene's operations at Camden and to the appointment of Robert Morris as superintendent of finance.

³ See no. 119, *ante*, and nos. 122, 128, *post*.

aid, as far as his abilities, and the exigencies of affairs in Europe will admit of. He speaks in the most tender and feeling manner on the distressed situation of our affairs, and says he will risque embarrassing his own affairs in order to afford us some relief, at the same time calls on us in the most polite, yet pathetic terms to make every exertion in our power to Co-operate with him in his endeavours for our peace and happiness. He expresses the highest regard for these states in general and for each state in particular. In short, true magnanimity, firmness, and affection run through the whole of it. He refers us to the Minister for a particular detail of matters, who says he will give it to us, as soon as he has got his letters deciphered, and properly arranged.

Genl. Wayne marches from York town tomorrow but I am afraid he will be too late to render you much service. Should Cornwallis, and Phillips, form a junction (which I believe there is little doubt of) and be reinforced with the detachment now gone from N. York—2000 men—I imagine all your feeble efforts must be at an end, and you must seek an asylum in some other quarter.

Genl. Washington is now at Weathersfield, holding a conference with the French Genl. and Admiral. Govr. Rutledge sets off for Headquarters tomorrow, where he purposes making but a short stay, and then to return immediately to join you. I most sincerely wish you uninterrupted health, and may the Supreme Disposer of human events, crown your generous endeavours with deserved success.

121. SAMUEL LIVERMORE TO THE PRESIDENT OF NEW HAMPSHIRE
(MESHECH WEARE).¹

PHILADA. May 22 1781.

Dear Sir,

On my arrival at Congress I found no delegate from New York nor has any been here since, consequently no mention has yet been made of Vermont.

As to the business of the States I can with pleasure inform you that congress are coming into a new plan of raising mony and a more frugal plan of spending it. The general voice seems to be to emit no more paper, To call in what is emitted as fast as it can conveniently be done, To loan, To tax in hard mony, To furnish the army with provision cloathing stores etc. by contract etc. I dont mention these things as done, but as in contemplation. Continental debts to be liquidated in hard money and put upon interest if agreeable to the creditor.²

I have drawn the 19th instant for 133⅓ dollars being the only sum that offerd and must continue to draw on the State but should be glad to hear the sense of the Court upon the subject.³

[121]¹ N. H. Hist. Soc., Weare Papers, IX. 115.

² See the *Journals*, May 22.

³ Cf. no. 110, *ante*.

122. THE VIRGINIA DELEGATES TO THE GOVERNOR OF VIRGINIA
(THOMAS JEFFERSON).¹

Sir,

Mr. Nicholson we presume will communicate to your Excellency or his Principal the State of the Business committed to his Care. He has we believe been greatly embarrassed for want of Money, and it has not been in our Power to afford him Assistance although our Endeavours have been exerted for the Purpose.²

The Chev'r Luzerne has received within a few Days past Dispatches from his Court. The Contents of them have not yet transpired but we expect they will in a day or two be communicated to Congress. No doubt but from the present State of Affairs in Europe they must be important and interesting to America.³ Mr. Carmichael writes the Committee of Correspondence that Mr. Cumberland had left Spain and returned to England thro' France, but notwithstanding his Negotiations are at an End, Conferences will be soon opened for the Accommodation of the Disputes between the belligerent Powers under the Mediation of the Emperor—he gives this as his Conjecture and not from Official Authority.⁴

Count Rochambeau, in consequence of Advices received by his Son who arrived in the Ship that brought over the Admiral to take the Command of the French Fleet at Rhode Island, requested a Conference with General Washington—they are now together—and the Operations of the ensuing Campaign will We expect be digested and we hope the Forces of our Ally be put in Motion. We are really reduced to Extremities for want of Money—the State Paper passes under great Depreciation and not willingly received by the People, Specie appears to be the Money chiefly in Circulation. How the State will furnish us with that Article we know not unless the Assembly will authorise Mr. Ross their Agent to purchase Flour for the Southern Department and exchange it for the specific Supply of Maryland so far as to answer our Exigencies. The Maryland Flour may be delivered at the Head of Elk, and we apprehend disposed of for Gold and Silver; unless something is done to furnish us with Money to bear our reasonable Expences at this Place we must sell what little Property we possess here or return to Virginia.⁵ Your Excellency will pardon

[122]¹ Public Record Office, A. W. I. 140: 517 (new reference, C. O. 5: 102, copy); *Lords Journals*, vol. XXXVI., p. 391B, no. 83. The letter bears the endorsement: "Copy of a Letter from the Delegates to Congress from Virginia to the Governor 22d May, 1781." (3) In S'r Henry Clinton's Letter of the 13th July."

² See the delegation letter May 1, *Cal. Va. State Papers*, II. 80.

³ See no. 116, *ante*, and no. 130, *post*.

⁴ Carmichael's letter, dated Mar. 11, read in Congress May 21, is in Wharton, *Rev. Dipl. Corr.*, IV. 279. In a letter of Jan. 29 (*ibid.*, p. 242), read May 15, he had written: "Mr. Cumberland is still here, inspiring all the distrust and jealousy in his power to prejudice our affairs. I hope however he will soon be dismissed." See also Jay to Congress Apr. 25 (*ibid.*, p. 384). Concerning the first appearance of Richard Cumberland at Madrid see Carmichael's letter of July 17, 1780 (*ibid.*, III. 865). From that time he is frequently mentioned in the letters of Carmichael and Jay. Some remarks upon his mission are found in the reports of conferences with the French minister May 28 and June 18. For a thorough study of the affair see S. F. Bemis, *The Hussey-Cumberland Mission and American Independence* (Princeton, 1931).

⁵ See no. 145, *post*.

our giving you the Trouble of representing to the Assembly any Matter that particularly respects ourselves but our present Situation will we hope, apologise for,

Your obedient Servants

[Signed] Delegates { JOS. JONES
JAS. MADDISON JUNR.
THEOP'US [THEO'K] BLAND
M. SMITH

PHILA: 22d May 1781.

123. THE PRESIDENT OF CONGRESS TO THE SEVERAL STATES.¹

(Circular)

PHILADELPHIA May 24, 1781.

Sir,

Your Excellency will receive enclosed, several Resolves of Congress of the 22d Instant, upon the report of a Committee appointed to devise further ways and Means to carry on the present Campaign.

As the Measures proposed in these Resolves are the result of Necessity after due Deliberation, it is expected the necessity as well as the importance of those measures will have a suitable Impression upon the States universally, and excite them to a vigorous and punctual Compliance.²

124. ABRAHAM CLARK TO JOHN STEVENS.¹

PRINCETON, May 24th 1781.

Sir,

My long and steady attendance in Congress for sixteen months past, makes it necessary for a relaxation of my mind and restoration of my health, that I retire for some time at least, and if agreeable to the legislature I wish it may be to the end of my present delegation, and that my resignation may be accepted, which this is intended to solicit.

By my absence there will be but two members remaining, and they mean to attend only one at a time; this in the course of a few days will deprive this state of a representation unless an appointment of one or more members speedily take place, I continued of the same opinion as heretofore, that three are preferable to five, provided such can be found who will devote their time to that service, and unless they do I am clearly

[123]¹ Copied from the original, then in the possession of Mr. Stan. V. Henkels of Philadelphia (letter to Governor Jefferson); Md. Hist. Soc., Red Book, VIII. 24; *Arch. of Md.*, XLVII. 254; Library of Congress, President's Letter-Book, p. 291; *Pa. Arch.*, first ser., IX. 163.

² See nos. 116, 121, *ante*. When the letter addressed to Governor Jefferson reached its destination his term had expired (June 3), and it was not until June 12 that Thomas Nelson was chosen governor. The executive authority in the interval was exercised by William Fleming, the only member of the council remaining in Staunton, the temporary seat of the state government. A letter from Fleming June 7 to Benjamin Harrison, speaker of the House of Delegates, respecting this letter and one from the board of war May 25, relative to the Convention prisoners, is in *Official Letters*, III. 1. The letter to Jefferson is endorsed, "Referred to Comm'ee of whole on the State of the Commonwealth".

[124]¹ Library of Congress, Stauffer-Morgan Collection of Signers of the Declaration of Independence; *N. J. Rev. Corr.*, p. 279.

of opinion you had better have none, but in this I do not suppose that one member is to attend alway and the other two alternately, which hath long been the case; few constitutions can bear such constant attendance, some relaxation is necessary.

With due regard and esteem I have the honor to be, sir, your obed. and humble servant,

ABRA. CLARK

The Hon. John Stevens, Esq., Chairman of the Joint Meeting.

125. OLIVER WOLCOTT TO SAMUEL HUNTINGTON.¹

HARTFORD 26th May, 1781.

Sir,

I have been honored with your letter of the 1st instant, which I should have earlier acknowledged, had I not expected that you would probably have left Congress before that a letter could be received. I am glad that you have consented to tarry longer than I expected, as I know that your services are much wanted in Congress. Mrs. Sherman and Mrs.² Ellsworth will be at Philadelphia by about the time that you will receive this letter. It will probably be no information to you, to say that the last election has caused no alteration in council, except by the addition of Col. Adams, and Mr. B. Huntington; the delegation the same with the addition of the last mentioned gentleman. . . .

126. THE PRESIDENT OF CONGRESS TO GEORGE WASHINGTON.¹

PHILADELPHIA May 28, 1781.

Sir,

By the enclosed Resolve your Excellency will be informed that the Convention Troops are to be removed from their present Stations.

In Consequence of this Resolve the Board of War have ordered them, the Commissioned Officers to East Windsor in Connecticut, the non commissioned Officers and Privates to Rutland in Massachusetts.

Would it not be preferable to have them exchanged if it could be effected on reasonable Terms, rather than to continually increase the enormous Expence incurred by supporting, marching, counter-marching and guarding such of them as have not escaped.

You will also receive enclosed, a Resolve of the 21st Instant respecting Major General Gates. It may not be improper to inform your Excellency, that in Consequence of this Resolve, the General in a very decent Letter to Congress informed them that he could not be useful in the Field or think of going into Service in his present Circumstances. It were to be wished some Mode might be devised to relieve him from his present anxious though inactive Situation.²

[125]¹ *Royal Gazette*, June 13, 1781.

² "Mrs." in both instances is evidently a misprint for *Mr.*

[126]¹ Library of Congress, Washington Papers; *ibid.*, President's Letter-Book (Papers Cont. Cong., no. 16), p. 1.

² Washington's reply, dated June 6, read in Congress June 12, is in *Writings* (ed. Ford), IX. 271, (ed. Sparks), VIII. 69. Concerning these proceedings see no. 106 (note 2), *ante*, and no. 156, *post*. Another letter from Gates, dated May 22 (*Letters to Washington*, ed. Sparks, III. 319), enclosing a letter from Washington to him May 12, was read in Congress May 23. A draft of Washington's letter to Gates is in the Washington Papers.

127. THE PRESIDENT OF CONGRESS TO GEORGE WASHINGTON.¹

PHILADELPHIA May 28, 1781.

Sir,

Your Excellency will receive herewith enclosed, an Act of Congress of the 25th Instant containing the general Principals to be observed in Promotions in the Line of the Army

This Plan hath been adopted upon mature Deliberation, to be observed as a general Rule in Promotions, as subject to the fewest Objections of any that could be devised (though not altogether free from them) under the peculiar Situation and Circumstances of the federal Army, raised and recruited from so many distinct sovereign States.²

128. JOHN SULLIVAN TO GEORGE WASHINGTON.¹

PHILADELPHIA May 28th 1781.

My dear General,

Though the Distresses of our Army, the Success of the Enemy in the Southern States, the certainty of the Second Division not coming to America; and the Disposition of the Sovereigns of Russia, and Germany, to dictate a Peace; when the *uti possidetis* if admitted would Operate to deprive us of very important parts of the united States, Yet I cannot forbear congratulating your Excellency on the general Completion of our affaires which in my Opinion wear a more promising Aspect Than they have done for many years.

The Reinforcement from France though far short of what was intended, will (I trust) enable us to undertake offensive operations by Land and Sea. the Generous Donation of his most Christian Majesty with the measures adopted by Congress and by our Financier will enable us to pay and supply our Army. The Cloathing Arrived and now on its passage will enable us to Cloathe our Army. the Measures adopted by the French Court will furnish us with the necessary Munitions of war. The Exertions of Mr. R: Morris will in a few Days give you a permanent Supply of provisions Independant of the Supplies expected from the States. The Late important discoveries made by Congress have at Length convinced them that Honesty is the best policy; These will restore our Lost credit.² The prospects of a peace being Dictated to us by an armed neutrality will rouse Congress and the States to Exertions which may put us on a footing to negotiate on Terms of Equality. The scrupulous adherence of his Christian Majesty to the Terms of the Alliance; The favorable Disposition of the Spanish Court; and the interest which the powers of Europe have discovered in our becoming an Independant Nation promise us every thing in a Negociation which our Exertions and their

[127]¹ Library of Congress, Washington Papers; *ibid.*, President's Letter-Book, p. 2.

² Cf. vol. V., no. 571, and nos. 21, 112, *ante*, no. 128, *post*. For proceedings looking toward a modification of the act of May 25 see the *Journals*, Nov. 16, 20, 1781, Jan. 9, 10, 19, Feb. 28, 1782; also no. 567, *post*.

[128]¹ Library of Congress, Washington Papers.

² Means of recovering lost public faith had particularly concerned Congress for some time. See especially the report of the committee on finance Apr. 18 and Robert Morris's letter of May 14, Wharton, *Rev. Dipl. Corr.*, IV. 412.

political Interest may Dictate. but amidst all those flattering prospects we are now called upon to make our Last desperate Struggle to pave the way to that peace and Independance for which we have so long contended. Congress do and I am convinced the States will feel the necessity to exert every nerve at this critical moment and I do not entertain a Doubt of the Success.³ The rule of promotions has with much difficulty passed; which though not in every respect agreeable to my mind is much better than any thing yet adopted. The Committee fell in with your Excellency's reasoning but the obstinacy of ignorant members in some degree mutilated the plans. The Arrangement of the Artillery and Cavalry was rejected because it was supposed to militate against the Confederation; other parts were rejected for different reasons and some for no reason at all but I flatter myself that as it now Stands it will answer our views in Some Degree.⁴ I should be more particular with your Excellency upon European Intellig[ence] but Your Late conference at Weathersfie[ld] Must have Superseded the Necessity. Though my own Domestic affairs will Soon compell me to Leave Congress your Excellency may rely on every exertion of mine during the Little time I shall remain and upon all the Influence I may have in the State of N: Hamps're after my return.

129. DANIEL OF ST. THOMAS JENIFER TO JOHN HALL(?).¹

PHILA. May 28th 1781.

My Dear Sir,

. . . . Yesterday and today arrived from the Havannah Eight sail of vessels with Hard Money. The merchants I am told pay very little regard to the embargo Law, indeed the State has not money to purchase the third of any vessels Cargo even were it to be offered to the President and Council.

Your Delegates are without Money or Credit.² What are they to do, none but hard will pass at this place unless it be on the most ruinotis terms.

There never has been a time when Men of abilities were more necessary in Congress than at present, therefore I wish that proper attention may be paid to the Delegates Letter by this Post to the General Assembly. We are not at liberty to disclose particulars, but the sooner an addition is made to the Delegation the better as delay cannot be admitted altho at every Post want prevails, yet I flatter myself that our affairs will soon look up and that supplies will soon be had.

P. S. Mr. Cumberland was about leaving Madrid the 9th of Ma[rch.]³ I think his stay there was rather too long for the United States.

³ See the memorial of the minister of France and the report of the committee thereon, in the *Journals*, May 28; also the circular letter to the states June 1. See nos. 119, 120, 122, *ante*, 130, 136, 141, 157, 161, *post*.

⁴ See no. 127, *ante*.

[129]¹ Hist. Soc. of Pa., Dreer Coll., Federal Convention, p. 69; *Pa. Mag. of Hist. and Biog.*, XXIX. 199.

² See nos. 108, 109, 113, *ante*, and no. 134, *post*.

³ See no. 122, *ante*.

130. THE NEW HAMPSHIRE DELEGATES TO THE PRESIDENT OF NEW HAMPSHIRE (MESHECH WEARE).¹

PHILADELPHIA May 29th 1781.

Dear Sir,

If Ever a People were called upon for vigorous Exertions by the pressing Situation of their Affairs and Entreated to make their Last Struggle against an implacable Enemy The Americans at this moment are in that Situation: we are now upon our last Campaign; if vigorous Exertions render it Successful we Shall Sit down Quietly in the Enjoyment of that Independance for which we have so Long contended but if Languid Efforts render our attempts unsuccessful we are ruined past relief.

The Emperour of Germany and Empress of Russia have offered their mediation to the Belligerent powers; The Acceptance is inevitable. France and Spain have given Answers, which will work a delay but can by no means preclude a Compliance with Their demand. To have a peace dictated to us when our Army is in the most feeble situation, in the greatest want of provisions through the want of Exertion in the States: when the Enemy are possessed of two States and are carrying their Conquests into others; when prescribing the *uti possidetis* as a Basis of Accommodation would forever ruin the United States would be a misfortune far beyond what the Calamities of war could possibly produce. To Avert the danger and to obtain a Peace upon honorable Terms Every exertion must be used to push with Vigor This Campaign (which will probably be our Last.) The King of France to Enable us to Act with vigor has made us a Donation of Six Million of Livres, this will put our Finances on a respectable footing.² The Exertions of Mr. Robert Morris our financier with the plans pursuing by Congress will render them still more so. Arms Ammunition and Cloathing are provided by the French Monarch, which will Soon be here. The King of Spain is also Supplying with Cloathing and will furnish some money. a reinforcement from France which though not So respectable as we could wish will we flatter ourselves with our own Exertions render us Superiour both by Land and Sea, and Enable us to

[130]¹ N. H. Hist. Soc., Weare Papers, IX. 122 (signed by Sullivan and Livermore).

² See the *Journals*, May 28, June 1, 2, 4-9, 11, 13-15, 18, 19; cf. nos. 116, 119, 120, 122, *ante*, and nos. 131, 152, 153, 157, 161, *post*. The proposed mediation by the Empress of Russia and the Emperour of Germany was communicated to Congress by the minister of France May 26. The memorial is in the *Journals*, May 28, and in Wharton, *Rev. Dipl. Corr.*, IV. 440. Following the memorial in the work last named may be found the response of France (p. 441), that of Great Britain (p. 445), and the answer of the mediators (p. 446). The same documents are found *ibid.*, pp. 860-866, in connection with a verbal communication from the minister, laid before Congress by the secretary for foreign affairs Nov. 23, 1781. The preliminary articles of peace proposed by the mediators are to be found there in full, embodied in the French answer. Likewise is found there (p. 866, no. 5 of the series) the answer of the court of France to the mediators.

It is stated in a foot-note (p. 863) that the documents "A" and "B" mentioned in the British answer are missing. A comparison with the British answer as found at page 445 shows that "A" is the latter half of "No. 2", while "B" (called "C" on p. 445, probably through a typographical error) is evidently "The verbal answer of the King of Great Britain to the verbal observations made by the Count Belgioso", found at p. 446, which is identical with document no. 3 on p. 864. The preliminary articles, with some excisions, are also at page 561, having been transmitted to Congress in a letter of John Adams July 11. For discussions of the project consult the index to Wharton (Mediation, imperial). See also no. 487, *post*.

regain what we have Lost prior to the Ratification of a peace and Enable us to Treat with advantage.

The Scrupulous adherence of the French Monarch to his obligations, The favorable Disposition of the Court of Spain toward the United States and The Political Interest of the European powers in rendering us Independent will all operate to procure us That Freedom and Safety for which we have Spent So much blood and Treasure.

We cannot under the present Situation of Affairs avoid Entreating you and through you the assembly of New Hampshire to use Every possible Exertion to Take advant[age of] the present State of facts, profit by the a[ssurance] which we have received and thereby avoid the Consequences which Languid Efforts must certainly produce.

131. JAMES LOVELL TO SAMUEL HOLTEN.¹

May 29, 81.

D'r Sir,

. . . . You will be anxious about our Intelligence from Europe. We have much but I am too greatly overcome by the Heat, to sweat over the Consideration of what I ought to communicate to be consistent with an Obligation to Secresy imposed at this Time with a propriety not always connected with that Injunction in our continental Assembly. However, I may tell you that your own Printers have given you quite enough to show you that the Wheel of Time will not afford you another six months as the Coming.² Political Glory or Infamy of a lasting Kind is most assuredly depending on them, more especially on the two first of them, in which there must be an almost universal Change of Manners. Every Requisition already made must be fully complied with, and even more must be in forwardness. Let not the former Calls of *once for all* make us callous on this Occasion. The Execrations of Posterity will fall more justly perhaps on the Inattention and Negligence of the States distant from the immediate Carnage of the War than upon the Despondency and Cowardice of those in which it centers, should we finally be disgraced by a Combination of all those Circumstances. . . .

132. JAMES MADISON TO EDMUND PENDLETON.¹

PHILADA. May 29th 1781.

Dear Sir,

The two circumstances relating to the proposed duty on Trade mentioned in your favor of the 1st instant were subjects of discussion when the measure was on the anvil. It was evident that the disposition of the States to invest Congress with such a power wd be influenced by the length of the term assigned for the exercise of it. It was equally evident that no provision would satisfy the present creditors of the U. States, or obtain future loans that was not commensurate to all the public engage-

[131]¹ *Essex Inst. Hist. Colls.*, XIII. 233.

² See no. 130, *ante*.

[132]¹ Library of Congress, Madison Papers, Ac. 1081; *Writings*, I. 136; *Papers*, I. 96.

ments. In order to reconcile these points the duration of the impost was limited, but limited in so indefinite a manner as not to defeat the object of it. Should the increase of Trade render the duty more productive than was estimated it must the sooner extinguish the public debts and cease. The application of Congress for such a power supposes indeed a confidence in them on the part of the States, greater perhaps than many may think consistent with republican jealousy, but if the States will not enable their representatives to fulfill their engagements, it is not to be expected that individuals either in Europe or America will confide in them. The 2d objection you mention was also a subject of much discussion in Congress. On one side it was contended that the powers incident to the collection of a duty on Trade were in their nature so municipal, and in their operation so irritative that it was improbable that the States could be prevailed on to part with them, and that consequently it would be most prudent to ask from the States nothing more than the duty itself, to be collected by State Officers and paid to a Continental Receiver, and not the right of levying it and collecting it by Officers of Congress. On the Opposite side it was urged that as Congress would be held responsible for the public debts it was necessary and would be expected, that the fund granted for discharging them should be exclusively and independently in their hands, that if the Collectors were under the controul of the States, the urgency of their wants would be constantly diverting the revenue from its proper destination, that if the States were willing to give up the thing itself it was not likely they would cavil at any form that wd be most effectual, that the form proposed might be reconciled with their internal jurisdictions by annexing to the *Office* of Collector all the powers incident thereto, and leaving to Congress the right of appointing the *Officer*. How far it may be best to appoint the established naval officer, I am not prepared to say, but should that be found to be the case, they will exercise their new functions, not as Naval officers of the State, but as invested with a separate commission by Congress in such manner that in the former respect, they are wholly exempt from the jurisdiction of Congress, and in the latter from that of the State. Such a junction of powers, derived from different sources, in the same person certainly has its inconveniences, but there will be many instances of it in our complex government.² . . .

133. THE BOARD OF WAR TO THE SEVERAL STATES.¹

WAR OFFICE May 30th, 1781.

Sir,

The Board do themselves the honour to transmit to you, a resolution of Congress of the 23rd instant also a resolution of the 11th of April last by which you will discover that they depend upon the arrears of specific supplies for the last campaign which have not yet been furnished by the different States to make good their engagements with the Court of France.

² See vol. V., no. 633, and references.

[133]¹ Chicago Hist. Soc., Gunther Collection (signed by William Grayson); Md. Hist. Soc., Red Book, VII. 203; *Arch. of Md.*, XLVII. 258; *Pa. Arch.*, first ser., IX. 186. Following the signature to the Maryland letter is the phrase, "By order of the Board".

As the honour and faith of the United States is so materially concerned, there is every reason to expect, the most decided exertions in the States to enable Congress to comply with their contracts.

The Board requests you will be pleased to acquaint them with your expectations on this head and what they may probably depend on.²

134. THE MARYLAND DELEGATES TO THE GOVERNOR OF MARYLAND
(THOMAS SIM LEE).¹

PHILADELPHIA May 30th, 1781.

Sir,

. . . . Congress has received advice from the westward that an expedition from the Lakes against Pittsburg is contemplated.

We expected by last Post that your Excellency would have informed us what prospect you and Council had of making remittances for our Sub-sistence. We are without Money, and almost without Credit, and without a timely supply it will be impossible for us to continue in Philadelphia.²

P. S.

135. SAMUEL JOHNSTON TO JAMES IREDELL.¹

PHILADELPHIA, May 30th, 1781.

My dear Sir:

I thought about this time to be making preparations for leaving this place, but none of my colleagues appearing to relieve me, several States being unrepresented in Congress, and affairs of the first magnitude being now on the tapis, I thought it inconsistent with my honor to leave the State unrepresented at so interesting a period. Notwithstanding my anxious impatience to return to my family, I have determined to stay till I am relieved, or at least till the States are more fully represented in Congress.

The uncertainty of a letter's getting safe to you, lays me under great restraints.²

136. JOSEPH JONES TO GEORGE WASHINGTON.¹

PHILA: 31 May 1781.

My Dear S'r,

I am this moment informed that Mr. Rutledge is going to Head Quarters and have stolen out of Congress to give you a few lines to impress upon you the necessity of taking some immediate step for the succour of

² The resolution of Apr. 11 is in the *Journals*, p. 373, that of May 23 on p. 528. President Reed's response is in *Pa. Arch.*, first ser., IX. 187.

[134]¹ Md. Hist. Soc., Red Book, V. 84 (signed by Jenifer and Carroll); *Arch. of Md.*, XLVII. 258.

² See no. 129, *ante*, and nos. 146, 155, 176, *post*. The reply to this letter, June 4, is in *Arch. of Md.*, XLV. 461.

[135]¹ McRee, *Life of Iredell*, I. 518.

² An omitted passage relates to the assurances of friendship and support from the King of France.

[136]¹ Library of Congress, Washington Papers; *Letters of Joseph Jones*, p. 76.

the southern departm't. The Marquis's Letters will inform you of his situation and will of itself without being enforced by me shew the distress that must soon fall upon our State if not speedily succoured.² For some days I have waited with impatience to hear from you, not doubting your anxiety for the southern States had determined you to measures for their support as far as you have the means in your power. This expectation and an opinion entertained that you must be fully informed of the late intelligence from Europe, has delayed my writing to mention these matters. The proposed mediation of the Imperial courts cannot be declined by the belligerent Powers although delayed by France and Spain for a short time to know the dispositions of the States. The most powerful exertions are necessary not only to give weight to the negociations of our plenipotentiary, but to recover our lost territory to prevent the difficulties of the proposition of *uti possidetis*. Congress are giving the necessary communications to the States and are endeavouring to stimulate them to emulation at this conjuncture which more than ever calls for our own exertions in consequence of our disappointment from France. The aid in money though will, it is to be hoped, enable us to do something beyond what it would otherwise be in our power to effect. Virga. receiving so little aid from the North occasions many of her citizens in their letters to the Delegates to insinuate that as they are not concerned in safety, they care not for the southern States. This notion is but too prevalent and is of dangerous tendency to slacken the efforts of the people and more readily dispose them to submission. I hope your deliberations with Ct. Rochambeau have determined upon relinquishing the idea of a certain conquest for the present and shew yourself in Virginia, where I think your name and presence would be of infinite service.³ But, my dear Sir, I mention these things with the utmost deference to your own judgement and feelings which I am sure are equally touched with my own for the distress of numbers in Virginia and as prompt to relieve them as any person on earth, and I am satisfied will do so as far as in your power consistent with the general welfare.

We have before us a proposition for sending on an aid of militia from this State and Maryland, but of all assistances these are the worst and would avoid them if there was a prospect of more effectual support.⁴ Supplies of arms are gone on and getting ready to go on, but these have been greatly delayed for want of money. . . .

² A letter from Lafayette, dated May 24, had been received by Congress May 30. A letter of the same date to Washington is in *Letters to Washington* (ed. Sparks), III. 320.

³ In his letter to Washington May 16 (no. 111. *ante*) Jones appears to broach the suggestion that Washington go to Virginia. Still earlier Lafayette, in a letter of May 4 (*Letters to Washington*, III. 303), had spoken of it as a possibility, while in a letter of June 3 (*Writings of Washington*, ed. Sparks, VIII. 86 n.) he reiterates the idea more definitely as a wish. In his reply to Jones June 7 (Washington Papers, draft) Washington points out the impracticability of his adopting the suggestion. Governor Jefferson had likewise, in a letter of May 28 (*Writings*, III. 40; *Official Letters*, II. 524), earnestly pressed it upon him, as "it is evident from the universal Voice that the presence of their beloved Countryman . . . would restore full Confidence of Salvation". Washington's reply, June 8 (*Writings*, ed. Ford, IX. 274, ed. Sparks, VIII. 71), was of like purport to his reply to Jones. See further no. 165, *post*.

⁴ The measure in agitation while Jones was writing was adopted later in the day.

137. THE PRESIDENT OF CONGRESS TO THE SEVERAL STATES.¹

(Circular)

PHILADELPHIA June 2, 1781.

Sir,

My Letter of yesterday addressed to your Excellency and which accompanies this, contains such important Intelligence, that Congress have thought it indispensible to communicate the same to the Legislatures of the several States through their respective Supreme Magistrates as soon as possible; at the same Time the Intelligence is of a Nature that ought to be kept secret as may be at present. I am therefore directed to request that effectual Measures be observed to prevent Copies or Extracts of the Letter of the 1st Instant from being taken or published.²

138. THE PRESIDENT OF CONGRESS TO THE STATES OF PENNSYLVANIA, DELAWARE, AND MARYLAND.¹

PHILADA. June 2, 1781.

Sir,

Your Excellency will receive enclosed, an Act of Congress of the 31st Ultio, earnestly recommending to the Commonwealth of Pennsylvania immediately to raise and equip for the Field four Battallions of Infantry, a Company of Artillery and a Corps of Horse. By the same Act Delaware and Maryland are also requested immediately to raise and equip for the Field a Number of Troops.

Since passing this Act, Intelligence received of the Progress of the Enemy in Virginia, and the distressed Situation of a Sister State, the great Inferiority of our Continental Troops in Virginia under the Command of the Marquis de la Fayette, render the Reinforcements requested more pressing and necessary,² and require the greatest Exertions to hasten them forward. It is earnestly wished and hoped, under present Circumstances, Volunteers will offer themselves without the least Delay, and join our Troops in such Numbers as immediately to check the Progress of the Enemy, and effectually repel them in due Time.³

139. THE PRESIDENT OF CONGRESS TO GEORGE WASHINGTON.¹

PHILADELPHIA June 2, 1781.

Sir,

By the enclosed Order of Congress of the 29th Ultio, I am directed to lay before your Excellency the Letter of the 9th Ultio signed A. Fowler etc. with the other Papers referred to, which are herewith enclosed

[137]¹ Va. State Lib., Executive Papers; Mass. Arch., CCIII. 296; Md. Hist. Soc., Red Book, VIII. 19; *Arch. of Md.*, XLVII. 267; Library of Congress, President's Letter-Book, p. 4.

² The circular letter to the states June 1 is in the *Journals*. That addressed to the governor of Maryland is in *Arch. of Md.*, XLV. 264; that to Governor Jefferson is in Haverford College, Roberts Coll., 723.

[138]¹ Library of Congress, President's Letter-Book, p. 5 (addressed to President Reed of Pennsylvania); Md. Hist. Soc., Red Book, VIII. 20; *Arch. of Md.*, XLVII. 267.

² The words "and necessary" are not in the Maryland text. In place of the word "Exertions", in the same sentence, that text has "Expedition".

³ See nos. 140-146, *post*. Following the letter in the Letter-Book is the following note: "N. B. A Letter of the same Tenor of the above to the States of Delaware and Maryland, requesting them to raise and equip a certain Number of Troops mentioned in the Act of the 31st of May."

[139]¹ Library of Congress, Washington Papers; *ibid.*, President's Letter-Book, p. 6.

Col. Broadhead is now in this City. The Complaints of the Inhabitants in the Vicinity of Pittsburgh respecting his Conduct are very great, and his with Respect to them are not small. It seems necessary that due Enquiry be speedily made respecting those Matters and in such Manner as that Justice may be done.²

140. THE PRESIDENT OF CONGRESS TO GEORGE WASHINGTON.¹

PHILADELPHIA June 3, 1781.

Sir,

Your Excellency's Letter of the 27th Ultio. hath been duly received, previous thereto Congress had adopted the Resolution of the 31st Ultio, recommending to the States of Pennsylvania Maryland and Delaware respectively to raise and equip a Number of Troops. The more immediate Object Congress had in View from this Resolution (Copy of which is enclosed) was to give speedy Assistance to those Parts of Virginia at present invaded, or exposed to Invasion by the Enemy, but the Troops are to be wholly subject to your Direction.² . . .

141. THE PRESIDENT OF CONGRESS TO NATHANAEL GREENE.¹

PHILADA. June 3, 1781.

Sir,

I have herewith enclosed for your Information, the Copy of an Act of Congress of the 31st Ultio, recommending to the States of Pennsylvania Delaware and Maryland, immediately to raise and equip a Number of Troops²

I am also to inform you we have received authentic Advice that the Empress of Russia and Emperor of Germany have offered their Mediation between the Belligerent Powers, which was embraced with apparent Eagerness on the Part of Great Britain, and will probably be accepted on the Part of France and Spain, and we are called upon by our Ally to prepare for Negotiation as soon as possible.

This important Intelligence we have communicated to the several Governors, with Caution that it be not disclosed at present, and a most earnest Recommendation that the States make the most vigorous Exertions at this critical Juncture, to drive the Enemy from all their interior Posts, and, if possible, to expel them from these States.³ . . .

² See no. 69, *ante*, and the *Journals*, May 29. Enclosures, besides the letter of Alexander Fowler, May 9, were: a petition of Pittsburgh inhabitants to the president and council of Pennsylvania, dated April —, praying for the removal of Colonel Brodhead from the command at Fort Pitt; another, for the removal of Brodhead and David Duncan, assistant deputy quartermaster; and an affidavit of David Tait concerning the conduct of Duncan. Other papers relating to these complaints were transmitted by the President June 6. Washington's reply June 7 to this letter of June 2 was read in Congress June 12, and another letter from him on the same subject, June 16, was read in Congress June 25. Brodhead replied to the charges against him in a letter to Congress Sept. 12, read Sept. 21. Action was taken upon it Sept. 25. See also *Pa. Arch.*, first ser., IX. 97, 141, 365, 379.

[140]¹ Library of Congress, Washington Papers; *ibid.*, President's Letter-Book, p. 9.

² Washington's letter of May 27, which was read in Congress June 1, is in *Writings* (ed. Ford), IX. 269, (ed. Sparks), VIII. 53. See no. 138, *ante*, and nos. 142, 143, 146, 156, *post*.

[141]¹ Library of Congress, President's Letter Book, p. 10.

² See nos. 137, 138, *ante*.

³ See nos. 128, 130, *ante*.

142. THE PRESIDENT OF CONGRESS TO THE GOVERNOR OF VIRGINIA
(THOMAS JEFFERSON).¹

PHILADELPHIA June 3, 1781.

Sir,

I have been honored with your Excellency's Letter of the 28th Ult., previous to which Congress had adopted the Measures contained in their Act of the 31st Ult., Copy of which is enclosed, for sending Assistance to repel the Enemy in Virginia. No Means in the Power of Congress will be left unessayed to give you all necessary Aid. I am informed some Arms are now on the Way for Virginia, and the Board of War are still using their Endeavors, not without Prospect of Success, to procure more Arms to supply such Troops from Maryland and this State as may be raised and march to join the Marquis de la Fayette.²

Enclosed are Extracts of Intelligence from the West Indies which you may not have received.³

143. THE MARYLAND DELEGATES TO THE PRESIDENT OF THE SENATE
AND SPEAKER OF THE HOUSE OF DELEGATES.¹

PHILA. June 3d, 1781.

Gentlemen,

We received at 10 oClock last night your favor of the 1st Instant² previous to the receipt of it We had pressed Congress in the most earnest manner to succour the Southern States and were ability equal to inclination they would soon be relieved. The Treasury of the United States is totally exhausted, without the hope of its soon being replenished.

Inclosed you have Resolution of Congress of the 31st of May which if it can be carried into execution will afford some relief. If we can upon our own personal Security borrow 800 or 1000 £ Specie (of which we have some prospect) we can in 5 or 6 days get 800, or 1000 Stand of Arms repaired which the board of War has promised to furnish for the use of our State. Three hundred Stand has lately been sent forward.³

[142]¹ Va. State Lib., Executive Papers; Library of Congress, President's Letter-Book, p. 8.

² See nos. 138, 140, 143, *ante*, and nos. 144, 146, *post*. Jefferson's letter of May 28, read in Congress June 4, is in *Official Letters*, II. 524. A letter of the same date, and partly of the same tenor, to Washington is *ibid.*, and in Jefferson's *Writings*, III. 41. See no. 136, *ante*.

³ The intelligence from the West Indies was an extract of a letter of May 3 and 8, relating circumstantially the arrival of the French fleet, the return of Comte de Grasse from pursuit of the enemy, etc. See no. 147, *post*.

[143]¹ Md. Hist. Soc., Red Book, V. 86 (in the writing of Jenifer and signed by him and by Carroll); *Arch. of Md.*, XLVII. 270.

² The letter of June 1 here referred to, from George Plater, president of the Senate, and William Bruff, speaker of the House of Delegates, was read in Congress June 4. Following is the pertinent part of the letter, addressed to the delegates of Maryland: "The General Assembly and the Governor and Council have wrote you several Letters within these two Days, and requested you to inform Congress of the Movements of Lord Cornwallis, and to urge them in the most pressing manner to order all the Force, which can possibly be spared, to march immediately to the assistance of the Marquis de La Fayette. . . . We wish you would communicate the Intelligence you receive to his Excellency Genl. Washington" (Papers Cont. Cong., no. 70, f. 473; copy in the Washington Papers). A letter of May 30 from the governor to the delegates is in *Arch. of Md.*, XLV. 450; one of May 31 is *ibid.*, p. 452.

³ See nos. 138, 140, 142, *ante*, and no. 146, *post*.

We shall transmit by an express going to the General this evening a Copy of your Letter and doubt not but he will do every thing in his power to afford the desired assistance if it be consistent with his General plan of Operations for the present Campaign which we presume he has before this time concerted with the Count de Rochambeau.⁴

144. THE VIRGINIA DELEGATES TO THE GOVERNOR OF VIRGINIA
(THOMAS JEFFERSON).¹

[June 3 ? 1781.]²

D'r S'r,

. . . . The delegates have done all they could to hasten Wayne as well as to forward other assistance to our State foreseeing what occasion you would have for aid but could only get the Pen[nsy]lvanians under March very lately³ and a Resolution a few days past to send forward some Militia from this State and our Neighbour Maryland.⁴ Your situation no doubt you have occasionally communicated to the Comr. in Chief and must refer you to him for such consolation as he has in prospect. The Delegates endeavours to second your efforts in that quarter have not been wanting and we have no doubt the General will do all in his Power.

[P. S.] 7 Battalions of Milita-Infantry in the whole and 1 Do Horse
. . . .

145. THEODORICK BLAND TO THE GOVERNOR OF VIRGINIA
(THOMAS JEFFERSON).¹

PHILADELPHIA June 3d 1781.

S'r,

The letter from the delegation to Yr. Excellency will apprise you of the Situation of Public affairs, at this time, and of our endeavors to promote every thing that can give energy to the operations of the Army in defence of our distressed Country.² I shd not therefore have troubled Yr. Excellency with the perusal of this which relates to myself, did not my own peculiar Situation render it necessary and had I not reason to conjecture from the several late ineffectual applications I have been *driven through dire necessity to make*, that my letters may have miscarried. I can

⁴ June 11 the delegates transmitted to the president of the Senate and the speaker of the House of Delegates Washington's reply, which they had received "last night" (*Arch. of Md.*, XLVII. 282). See no. 153, note 3, *post*.

[144]¹ Copied from the original (in the writing of Joseph Jones and signed by him and by Bland), then in the possession of Mr. Stan. V. Henkels of Philadelphia.

² This is doubtless the delegation letter mentioned by Bland June 3 (no. 145, *post*).

³ See no. 120, *ante*.

⁴ See the *Journals*, May 31, June 12; *cf.* nos. 138, 140-142, *ante*.

[145]¹ Va. State Lib., Executive Papers; *Cal. Va. State Papers*, II. 140.

² The letter from the delegates to which Bland refers is doubtless no. 144, *ante*. For the action taken for the relief of Virginia see nos. 138, 140-144, *ante*, and nos. 146, 156, *post*.

hardly suppose them to have passed unnoticed. The long expected and long wished for remittance which was to have come through the hands of Mr. Braxton has afforded us no relief, and has evaporated into smoke.³ . . .

146. THE MARYLAND DELEGATES TO THE GOVERNOR OF MARYLAND
(THOMAS SIM LEE).¹

Sir,

PHILA'A June 4th, 1781.

The Express set out on his return to Annapolis before we had time to answer your Excellencys Letter of 30th Ultio. The Board of War had offered us for some days 1000 stand of Arms if we could furnish £1000 Specie to pay for Bayonetts and repairs; the apparent distress that our State was likely to be under for want of them, obliged us to offer our personal Security for the repayment of this Money in two Months in Specie, or Flour to the amount; and the board of War in consequence thereof immediately gave the necessary Orders. But upon Your Letters and one from the President of the Senate and Speaker of the House of Delegates being laid before congress they were referred to the Board of War to take order thereon, and means furnished them for not only the necessary expences of repairs, but also for Transportation, by which we are released from our engagement for the Specie or flour. The board of War has assured us that in 7 days time 1500 Stand of Arms shall be ready for our State and 2500 for the State of Virga. and other accoutrements. I am sure that every thing that can, will be done, and altho the funds of Congress have been totally exhausted, yet we have the pleasure to assure you that they have now a small stream that will set our wheels in motion.² . . .

[P. S. by Jenifer:] we do not know what has become of Mr. Paca. Since writing the above, Mr Carroll has informed me that he is about to set out to take the Country Air for two or three days. in his absence our State will not be represented. Be pleased to inform Mr. Hanson or Mr. Potts that one of them ought immediately to set out to Congress.

147. JOHN MATHEWS TO NATHANAEL GREENE.¹

Sir,

PHILADELPHIA June 4: 1781.

The inclosed papers will furnish you with the most important foreign intelligence we have lately received. And of what has been done by Congress in consequence thereof.²

³ The remainder of the letter pertains to Bland's personal financial situation. On June 19 the following resolution was adopted by the Virginia House of Delegates, to which the Senate agreed June 20:

"Resolved that the Governour with the Advice of Council be desired to use every means to Make remittances to our Delegates in Congress in discharge of their allowance, either by giving order for the purchasing and transmitting to them Tobacco or Hemp, or by pursuing such other Mode as to them shall appear most effectual" (Va. State Lib., Executive Papers).

[146]¹ Md. Hist. Soc., Red Book, V. 109 (signed by Jenifer and Carroll).

² See no. 143, note 2, *ante*.

[147]¹ William L. Clements Library, Greene Papers (signed "By Order of the Committee, John Mathews, Ch'm'n").

² One of the enclosures was doubtless the circular letter of June 1 (see no. 138, *ante*). A copy of that circular letter which had been sent to General Greene (it is now in

We thought it necessary to give you this communication not knowing how far [it m]ay influence your future operations, [t]hat you might thereby be enabled to take your measures accordingly.

We have received undoubted intelligence of the arrival of the french fleet in the West Indies, which makes their force at present in that quarter 25 sail of the line—that of the British is said to be twenty one. The two fleets had a skirmish on the 29 of April, but nothing decisive happened. By letters of the 8th Ult. from Martinique, we are informed that the french fleet sailed on the 7th with 7000 troops to attack St. Lucia, which place it was expected would be reduced in a few days.³

We suppose the Commander in Chief has of course communicated to you his plan of operations for the campaign, particularly the blow meditated against New York. It is therefore unnecessary for us to say anything further on that subject.

P. S. The inclosed papers are for your [own] ⁴ private information, and must not on any account be communicated to any other person. Pray inform us particularly whether this reaches you in safety.

148. DANIEL OF ST. THOMAS JENIFER TO GEORGE WEEDON.¹

PHILADELPHIA June 5, 1781.

Dear General,

You will perceive by the papers, that the Belligerent powers under the Mediation of the Empress of Russia and Emperor of Germany are about holding a Congress, and I fear that our Interests will not be so immediately attended to as we might wish: however, I think France must procure us tolerable terms, or She cannot expect to keep us long in her interest, therefore I trust more to her policy than her Justice. She is powerful in the West Indias, and from present appearances could do everything with apparent success, but that of taking Castles, and this She is attempting—strange? infatuation.²

I wish our State had delayed the Selling of British property a little longer, it would perhaps have been to her advantage to have done so; I do not care to enter into particular reasonings at this time on the Subject, because it may be thought that I am influenced by former prejudices and that wiser heads have determined otherwise; but rest assured that I have greater reason to be of this opinion now than I ever had.

the Library of Congress, Cont. Cong., Misc., portfolio 103) bears an endorsement: "From Mr. Mathews June 4th 1781", and below the letter is the following note:

"The foregoing is a copy of a circular letter sent to the executives of the respective states. It may be proper to note that change of circumstances in Europe has altered the plan of sending us the second division as was at first proposed, but the squadron at Rhode Island is to be reinforced so as to be able to put to sea with confidence. Wm. Sharpe."

³ See no. 141, *ante*.

⁴ Some such word has been obliterated by a small mutilation of the manuscript.

[148]¹ Am. Phil. Soc., Weedon Papers, vol. 107. For another letter of Jenifer of June 5 see no. 93, and note 1, *ante*.

² Cf. nos. 128, 130, *ante*, 161, 201, *post*.

149. SAMUEL LIVERMORE TO THE PRESIDENT OF NEW HAMPSHIRE
(MESHECH WEARE).¹

PHILADA. June 5, 1781.

Dear Sir,

I do myself the honour to enclose you the papers which will give you the news of the day. Some part of it looks well. But the British gain upon us in Virginia. Pennsylvania, Maryland and Delaware militia are raising (too slow) to meet them.² The eastern Post not arrived makes us apprehensive for its safety.³ Genl. Sullivan is well, with whom I am very intimate. Please to let me hear from you especially on the subject of supporting your Delegates.⁴

150. JAMES MITCHELL VARNUM TO THE GOVERNOR OF RHODE ISLAND
(WILLIAM GREENE).¹

PHILADELPHIA 8th June 1781.

Sir,

I have expected for some Time since, the Determination of the State, respecting their Delegation; but remaining uncertain, patience has taken the place of Information, and personal Credit removed some of the Inconveniences of local Situation. I wish it was in my Power to give you a particular Account of our Affairs in the Southern States; but we have no very late Intelligence from the Carolinas. A Report by a Flag from Charleston, has just come to us, that General Greene has gained very capital Advantages over Lord Rawden; but how extensive, Time must determine. Our finances assume a more favorable Aspect; and I hope will soon be productive of salutary Events. The Enemy are in great Force in Virginia under Lord Cornwallis, and the Troops opposed to them very inferior in Numbers. That State Suffers much, and I am fully persuaded, will find Relief only in the Exertions of the eastern States. The present Campaign is pregnant with the most important Events; and it is in the Power of the States to render it glorious for America. . . .

The Eastern Mail, which should have come to us on Monday last, has been intercepted on the West side of the Hudson, and carried into New York.² Casualties of this kind, however disagreeable, are the natural Consequences of defensive War, when the resisting Army becomes too feeble to straiten the Enemy's Lines. I have wished, for a long time, that the Post Office was abolished, or at least suspended, as more injury results from it than Benefit.

[149]¹ N. H. Hist. Soc., Weare Papers, IX. 127.² See nos. 138, 140-146, *ante*.³ The eastern mail had actually been intercepted. See no. 150, *post*.⁴ June 19 Livermore wrote to President Weare that he had drawn upon him for 266 $\frac{2}{3}$ dollars in favor of Clement Biddle, who wanted his money in Boston. He could meet with no one who wanted money in Portsmouth (N. H. Hist. Soc., Weare Papers, IX. 139).[150]¹ R. I. Arch., Letters to the Governors, 1780-1781, p. 72; Staples, *R. I. in Cont. Cong.*, p. 343.² See no. 149, *ante*, and no. 151, *post*. Among the letters intercepted at this time were: Elbridge Gerry to James Lovell May 20 (see no. 242, note 2, *post*), Oliver Wolcott to Samuel Huntington May 26 (no. 125, *ante*), and John Morin Scott to Robert Morris May 30. The letters of Gerry and Scott were published in the *Royal Gazette* of June 9, that of Wolcott June 13.

151. WILLIAM ELLERY TO THE GOVERNOR OF RHODE ISLAND
(WILLIAM GREENE).¹

PHILADELPHIA, June 9th, 1781.

Sir,

I had the honor of writing to your Excellency by the last post; but, as my letter may have been intercepted, I beg leave to repeat the substance of it. . . .

It mentioned that no credentials of my being elected a delegate had been received by me, from which I inferred that either Mr. Cornell or Mr. Mowry had set out for Congress, or that my credentials had gone to New York with the last eastern mail, which is supposed to have been intercepted by the enemy. The first I concluded was the case, because I could not conceive that it would be inconvenient for Mr. Mowry to come forward, and presumed that it might suit Gen. Varnum to continue here until Gen. Cornell had finished his visit to his family, and returned to Philadelphia; and because I had been so long absent from home, and been so long confined to business, that the Assembly would imagine that not only my clothes, but my spirits would want repairs; and that my family affairs would require my return.²

152. JOHN SULLIVAN TO GEORGE WASHINGTON.¹

PHILADELPHIA June 11th 1781.

Dear General,

My being on a Committee appointed to Confer with the Minister of France upon European affairs and to Draw up Instructions for our Minister appointed to Negotiate a peace has Deprived me untill now of the pleasure of Acknowledging the receipt of your Excellencys Letter of the 29th Ult. or Rather the Duplicate.²

I find by your Excellencys reasoning that the Plan I proposed is at present impracticable, I shall Therefore wave the Motion.³ I find also that the Reasons for Invading New York were Reasons of Necessity and was the only practicable attempt in our present Circumstances. I have however some Doubts Respecting the probability of Success. Your Excellency may rest assured that Congress will use Every Exertion to promote the Success of so important an object.

[151]¹ Staples, *R. I. in Cont. Cong.*, p. 344.

² Ellery wrote to William Vernon of the navy board, June 5: "We hoped to have heard some good tidings by the post of Capt. Barry; but it seems that the Post-riders are so influenced by British Gold that they had rather go to New York, than pursue an honorable route. In plain english the last Eastern mail is gone thither; all the secrets it contained along with it." *R. I. Hist. Soc., Publications*, VIII. 270.

[152]¹ Library of Congress, Washington Papers.

² Washington's letter to Sullivan May 29 (*Writings*, ed. Sparks, VIII. 58) was intercepted by the enemy and published in the *London Gazette* July 14 (see Sparks, p. 60 n.). Sullivan remarks (in the omitted passage) that the capture of Washington's letter will probably be of no disadvantage to Americans or of advantage to the British. The conferences with the French minister and reports thereon continued almost without interval from May 22 to June 19. See nos. 119, 120, 122, *ante*, and nos. 153, 157, 161, 166, 168, *post*.

³ See no. 89, *ante*.

We have very favorable accounts from General Green which I Suppose will be Sent to your Excellency by this Express. We have not yet received any official Accounts yet I think it may be relied on that a Fleet from England Consisting of a 74, two frigates, Several Sloops of war and Eighty four Transports with 4000 Troops on board arrived in Chassapeak Last Thursday. This will make the Enemy 10 000 Strong in Virginia and Enable them to do much mischief to that State.

153. DANIEL OF ST. THOMAS JENIFER TO JOHN HALL.¹

PHILA. June 11, 1781.

My Dear Sir,

. . . . I cannot think that France will agree to the *Uti possidetis* unless compelled to it by the Mediating powers.

Yesterday Congress finished the important business occasioned by dispatches from the Court of Versailles and to the wish of your Delegates—Great obstructions thrown in the way by Virg'a, Massachusets and Connecticut especially the former, we were several times overthrown but regained our feet again. I cannot say I expect either peace or Truce soon, unless the French should be victorious at Sea. If the independence of the 13 States be acknowledged, the Enemys Ministry or some of them I think will lose their heads, probably an Act of Parliament may be obtained before a peace takes place to sanctify the measure.² By the Generals Letter to your Delegates, which they have transmitted to the Genl. Assembly there appears to be a ray of hope³—Perhaps the Enemy may have occasion to look behind him.

154. JOHN WITHERSPOON, SPEECH IN CONGRESS ON THE APPOINTMENT OF PLENIPOTENTIARIES.¹[June 11 ? 1781.]²

Mr. President,

I am sorry to observe, that after going through the instructions to be given to our plenipotentiary or plenipotentiaries, we should have so warm

[153]¹ Hist. Soc. of Pa., Dreer Coll., Federal Convention, no. 70.

² See no. 152, note 2, *ante*.

³ The letter of Washington here referred to, dated June 7, is in the Washington Papers. With the date June 11, it is printed in *Arch. of Md.*, XLVII. 282 (see no. 143, note 4, *ante*). It is concerned with equipment of troops, etc. See Washington to Governor Lee June 7 (*Arch. of Md.*, XLVII. 275), and the council's reply June 29 (*ibid.*, XLV. 491). This business was presumed to have been finished on Saturday, June 9, but the committee, having communicated with the French minister, returned to the subject on Monday, June 11, with suggestions of amendments. This letter may therefore have been written on Sunday, June 10, or on Tuesday, June 12.

[154]¹ *Works of John Witherspoon* (Edinburgh, 1815), IX. 142.

² That this speech was delivered either June 9 or 11 is determined by the references in the first paragraph, with the probabilities in favor of the latter date. The instructions to the minister plenipotentiary for negotiating a peace had been finished June 11. The question whether some persons should be joined with John Adams in the negotiation of the treaty of peace had been considered on the 9th and decided in the negative. On the 11th however it was reconsidered, and the result was a resolve to join two persons to Adams. Witherspoon's speech was probably made on that proposition. See nos. 157, 197, *post*; see also V. L. Collins, *President Witherspoon*, II. 58-62.

a debate, and indeed seem to be so equally divided upon the question, whether there should be one or more to whom we will entrust the negotiation?

As to the practice of European nations, I believe it is so various as not to afford any argument on one side or the other; we may appoint one or more—there will be nothing singular or remarkable in it, so as to make our conduct look like ignorance in such matters. I am inclined to think, however, that negotiations are generally conducted near to their conclusion, by one confidential person, though after the more important preliminaries are settled, more may be sometimes appointed, to give greater solemnity to the conclusion. We are therefore at liberty to determine ourselves wholly by the general reason and nature of the thing, and our own particular circumstances.

As to the first of these, on the side of one person, it may be said, there will be more precision, more expedition, more uniformity, and more certainty of agreement with others, and consistency with himself. And the person whom we have employed, is a man of sound and clear understanding, and has had the advantage of being a long time in Europe, and no doubt has been turning his thoughts, and making enquiries upon the subject ever since he went there; so that we may suppose him pretty ripely advised.

On the other side, it may be said, that, if alone, he might be at a loss, and that it would be of advantage to him to have the advice of others. It is even said, that there is a necessity of others better acquainted with parts of the country different from those with which he has been chiefly connected. As to council, that does not strike me much—perhaps there is greater safety in one than three; because he is fully responsible; whereas if a common council is taken, the blame is divided, and every one is less diffculted to justify his conduct in the issue. Besides, is there no danger to the cause itself, from an obstinate division of sentiments in those who are entrusted with the conduct of it? This would expose us, in the opinion of those who observed it, and might perhaps give less respect to what each or all of them might say or do.

As to the necessity of persons from different parts of the country, it is not easy to conceive what circumstances, in a negotiation of this kind, can be peculiar to one part of the country more than another. If it were to make rules for the internal government, taxation, or commerce of the states, there would be some force in the remark; but when it is only to make peace for the liberty and protection of all, there seems to be little weight in it.

But now let us consider our particular circumstances. Mention has been made of the difference between Mr. Adams and the count de Vergennes. I have given particular attention to all that was said in his letter upon that subject, and all that has been said by the minister of France here; and there was not one hint given that could lead us to think it was their desire or expectation that he should be dismissed or superseded, or even bridled by the addition of others in the commission. We have fully complied with their desire upon this subject, in the instructions. There is the greatest reason to think that they are well satisfied upon it. But if we

should still go further, and either discharge him, or do what is in substance the same, or might be supposed or conceived by him to be the same, this would rather be an act of too great obsequiousness, and but an ill example for the future conduct of our affairs. What we do now, will be often mentioned in after times; and if the like practice prevail, it will discourage public servants from fidelity, and lessen their dignity and firmness. There is also some reason to fear that there may not be the most perfect agreement among them; and if a jealousy in point of affection between them should arise, it might still be more fatal than a difference in opinion. You may observe, that Dr. Franklin particularly mentions the impropriety of having more ministers than one at one court and in the same place. We have felt the bad consequences of that already in more instances than one. Congress were led into such steps as ended in our parting with Mr. Lee, chiefly by the argument of his being disagreeable to the French court; and though he was in my opinion one of the most able, faithful, and active servants we ever had, and certainly one of the most disinterested—he was but barely able to go off with a cold ceremonial adieu, that had very little in it of a grateful sense of his services, or cordial approbation. It is not pleasant to reflect, Mr. President, that so early in the history of this new state, persons in public employment should be so prone to enter into ambitious contention, and push one another into disgrace.

I cannot help putting you in mind, upon this subject, of what has just now come to light. You are informed by the French court, in the most authentic manner, and indeed if I am not mistaken, it is by implication at least in the king's letter, that you had been ill served by the people you employed there, and cheated both in point of quality and price; and that on this account they intend to give directions on that subject themselves.³ Now, Sir, perhaps it may be news to many members of this body, that these were the very contracts made by Mr. Dean, without the knowledge or consent of Mr. Lee, of which Mr. Lee loudly complained. These were the very servants whose accounts Mr. Lee objected to, and whose conduct he censured. But what did he get by it? Mr. Dean was supported by his venerable old friend, as he called him: Mr. Lee was complained of as jealous and troublesome, and disagreeable to the court of France; and not only opposed and slighted by many members of this house, but I may say attacked and persecuted in such a manner, that if he had not been supported with a generous frankness by others, might have ended in public infamy.⁴

I have just further upon this subject to observe, that you very lately sent a new minister to the French court, Mr. Laurens—a measure much disapproved by many; and it was then foretold, it would be a disgraceful thing to Dr. Franklin.⁵ Probably he has conceived it in that light; and as he has no desire at all to return home, I am well convinced that this is

³ The letter of the King of France (see no. 119, *ante*), together with sundry memorials of the French minister and a report of a committee upon a conference with the minister, is in the *Journals*, May 28. See also *ibid.*, June 1, 6-11.

⁴ Congress had but recently been engaged in settling Arthur Lee's accounts.

⁵ The reference is to the mission of John Laurens.

the true cause of the desire expressed in his last letter to resign his commission.

Some have mentioned the importance of the matter, and that the chance is greater against corruption, where three are to be taken off, than one. It is very true, that *ceteris paribus*, as is commonly said, there is a greater chance for one incorruptible person in three than in one: but there are single persons in whom I would confide as much as in ten. And besides, the thing may be taken the other way; for there is a greater chance of finding one corruptible person in three than in one; and in a commission of that nature, one traitor is able to do much mischief, though the others are perfectly upright. He, being admitted into the secret, may not only disclose measures, but perplex them, let the abilities of his colleagues be what they will. I have seen a man in Congress, who upon the supposition of his being a traitor, I am sure had address enough to draw many into his measures—many not susceptible in understanding, and sincerely attached to their country's cause.

Before I conclude, I would say a little upon our circumstances in another respect. The first appearances we make upon the public stage, are of consequence. It is to be wished therefore, that the credit of the United States were consulted. If we were sure that our commissioners would be immediately admitted to public and coordinate session with the other plenipotentiaries, perhaps a commission of three would be august and honourable; but if, as I strongly suspect will be the case, they are not at first publicly admitted at all, but obliged to negotiate through the plenipotentiaries of France—if, as it is not impossible, even in the settlement of the treaty, we are not considered as the formal contracting parties at all, but our interest attended to in articles as it were occasionally introduced—if this is done as a salvo to the honour of England, and to purchase for us advantages substantial and durable, a pompous commission to a number of delegates will rather lessen our dignity, and detract from our wisdom and caution.

Upon the whole, Sir, I am of opinion, that it would be much better to assign to one the commission already given, with the instructions which have been cordially agreed upon, and seem to be in every respect agreeable to the desires of the court of France, and the opinion of the king's minister in this country.

155. THE MARYLAND DELEGATES TO THE GOVERNOR OF MARYLAND
(THOMAS SIM LEE).¹

PHILADA. June 12th, 1781.

Sir,

. . . Had we experienced the most partial supply of Money, it would have been of Service. Perhaps the intended scheme of raising Money from Tobacco may prove as abortive to us as that of Flour. We have been reduced to the humiliating circumstance of attempting to borrow without success. If the Tobo. that Mr. Key is to transport, lies on

[155]¹ Md. Hist. Soc., Red Book, V. 72 (signed by Jenifer and Carroll); *Arch. of Md.*, XLVII. 284.

Potomack, We cannot hope for any relief from it, as we shall be under the necessity of decamping before he can get it to this place.²

Congress hitherto, has refused to allow the Shipping of Flour for the purpose of paying Debts contracted by our officers at New York. The Board of War have wrote to the General to inform them if Clinton will allow us to Ship Tobacco for that purpose. As soon as they receive an Answer we shall transmit to you the result.³

P. S.

156. RICHARD HOWLY TO HORATIO GATES.¹

PHILADELPHIA June the 13th 1781.

. . . . This state, Delaware and Maryland, have been called on by congress, for Eight battallions of militia—the first for four, the second for one and the last for three batts. for the service in virginia. I have my doubts whether the compliance will be as immediate or effectual, as we could wish.²

your letter to Congress was debated for two mornings, on various grounds. It produced a resolve to Genl. W. to take every immediate step to accelerate the court of inquiry—a letter yesterday from the Genl. takes notice of your's to him and of the resolve, and the satisfaction he would find in doing every thing in his power to have the matter effected.³

I think the expedition to Canada a measure necessary to be pursued, and must be adopted. none can look forward to the command in that department with so much Justice as you.⁴

157. THOMAS RODNEY TO CAESAR RODNEY.¹

PHILADELPHIA, June 14, 1781.

Sir,

You will find by the contents of this that it is a confidential letter, conveying you very important and pleasing intelligence.² Thus far in confidence, with this addition, that congress have appointed Dr. Franklin, J. Adams, J. Jay, H. Laurens and governor Jefferson, plenipotentiaries

² See nos. 113, 129, 134, *ante*, and no. 176, *post*.

³ See no. 113, *ante*. Another letter of June 12, acknowledging the council's letter of June 2 (*Arch. of Md.*, XLV. 457) and transmitting a resolution of the assembly respecting the British prisoners in the state, is *ibid.*, XLVII. 285. Touching the question of support the delegates write: "As it is intended we shall be supplied with money from the proceeds of some of the flour directed to be sent to Delaware and some part of it must lay convenient for sale immediately, the difficulties we are under urge us to request you will favor us with an order on the person charged with the disposal of it, and we flatter ourselves this will be done by next Post, and to a sufficient amount to answer our purposes."

[156]¹ N. Y. Hist. Soc., Gates Papers, XIX.

² See the *Journals*, May 31, and nos. 138, 140-146, *ante*.

³ See nos. 106 (note 2), 126, *ante*. Gates's letter here referred to was that of May 18, read in Congress the same day.

⁴ See nos. 89, 152, *ante*.

[157]¹ Hezekiah Niles, *Principles of the Revolution* (ed. 1876), p. 254.

² The omitted passage relates to the letter from the King of France and the communication from the French minister. See the *Journals*, May 22 to June 19, *passim*; also nos. 130 (note 2), 152 (note 2), *ante*, and no. 161, *post*.

for settling the peace. They first agreed to appoint but one, and Adams was appointed before I came up; they then agreed to add two more, then Jay was appointed—then Jefferson had five votes, Franklin four, and Laurens one. The states voted the same way three times. Then I proposed to the members of Virginia and Pennsylvania that we should appoint them both, which being generally agreed to, this day was appointed for the purpose, and then Laurens was included—so the appointment now consists of five. New Hampshire, Pennsylvania, Delaware and Maryland, were for Franklin, South Carolina for Laurens, and Massachusetts, Connecticut, Jersey, Virginia and North Carolina for Jefferson, Rhode Island and New York unrepresented; Georgia absent. Mr. M'Kean wanted to alter in favor of Jefferson and leave Franklin out, which, upon Georgia's coming in, would have carried him; but I would not give up Franklin, and by the manner of proposing to appoint them both, got him appointed—though this was exceedingly against the grain of several members. He will now be put at the head of the commission. His abilities, character and influence are what will be of most use to us in Europe.³

158. THE PRESIDENT OF CONGRESS TO THE SEVERAL STATES.¹

Circular

PHILADELPHIA June 15, 1781.

Sir,

Your Excellency will receive enclosed, a Resolve of Congress of the 13th Instant.²

N. B. To Governor Trumbull's Letter was added the following Paragraph,

I have also enclosed another Resolve of the same Date, by which your Excellency will be informed that on the Receipt of your Letter of the 17th of April which being referred to the Board of War for a Reconsideration of the Subject respecting the Invalids in the Connecticut Line, and in the mean Time the Commander in Chief having called for the whole Corps of Invalids, to be stationed in the Garrison at West Point, it is determined to comply with the General's Requisition.

159. THE PRESIDENT OF CONGRESS TO THE GOVERNOR OF VIRGINIA
(THOMAS JEFFERSON).¹

PHILADA. June 15, 1781.

Sir,

Before this comes to Hand Your Excellency will have received my Letter of the 2d Instant with its Enclosures, by which you will be in-

³ See the *Journals*, June 9, 11, 13, 14; cf. nos. 166, 168, 174, 188, 206, 241, 311, *post*, and particularly Rodney's remark respecting the election of the peace commissioners, in his *Diary* under July 12 (no. 197, *post*).

[158]¹ Library of Congress, President's Letter-Book, p. 16; *Pa. Arch.*, first ser., IX. 210; Va. State Lib., Executive Papers; Mass. Arch., CCIII. 324; Md. Hist. Soc., Red Book, V. 73.

² A resolve of June 12, respecting Maryland, was also transmitted June 15 (President's Letter-Book, p. 18; *Arch. of Md.*, XLVII. 293, under date of June 14).

[159]¹ Library of Congress, President's Letter-Book, p. 16.

formed that a Negotiation for Peace between the Belligerent Powers may probably take Place through the Mediation of the Empress of Russia and Emperor of Germany, in Consequence of which, Congress have thought proper to add four other Plenipotentiaries to the Honorable John Adams Esquire to assist in the expected Negotiation, of which you are elected one, as you will be informed by the enclosed Resolve. you will doubtless come this Way to embark, if Circumstances will admit of your undertaking the important Service. The Commissions will be prepared immediately, as no Time should be lost.

Your Appointment is ordered to be kept secret, that the Enemy may not get Intelligence of your Embarkation.²

160. JOHN WITHERSPOON TO BENJAMIN FRANKLIN.¹

PHILADELPHIA June 15, 1781.

Sir,

The Committee of foreign Affairs lately wrote your Excellency on the subject of my Son, John Witherspoon who was Surgeon to the Letter of Marque *De Graaff* taken at St. Eustatius and sent to England as I have been informed in the *Alcemena* Man of War requesting you to use your Endeavors to obtain his release upon Parole and his exchange as soon as possible. I beg leave further to trouble you with the enclosed Letter of Credit which I will be obliged to you if you will give to your Banker and desire him to establish a Credit for my Son in London and get him made acquainted with it wherever he may be confined.

I believe your Grandson who is with you was some acquaintance of my Son. I would therefore beg of you to make my Compliments to him and recommend this Matter to his Care.²

161. THOMAS RODNEY TO CAESAR RODNEY.¹

PHILA. June 15th 1781.

Sir,

Yesterday I wrote you respecting the Congress of Mediation but when I shall have an Opertunity by which I may safely trust the conveyance of such intelligence is uncertain. This important business has Chiefly taken up the time of Congress since I last came up and is now Completed. It was closed by the decision of an important Article in the instructions to Our Commissioners which requires them after having obtained an Independence in all things else to be Ultimately governed by the advice of the French Court or Minister. It was moved to reconsider this Clause and to strike it out as being too abject and Humiliating. It was argued some

² Jefferson was nominated for the peace mission June 11 and elected June 14. President Huntington's letter, it would appear, was transmitted through Lafayette, and Jefferson's reply, declining the appointment, through the same means. See his letter to Lafayette Aug. 4, *Writings*, III. 48; also nos. 263, 341, *post*.

[160]¹ Am. Phil. Soc., Franklin Papers, vol. XXII., pt. I., no. 46.

² See no. 103, *ante*.

[161]¹ Copied from the original, then in the possession of Mr. Stan. V. Henkels of Philadelphia.

hours and at last rejected so that the Clause stands and the French Court is thereby in possession of full and sufficient power to make a peace,² for there is not the least doubt but the mediating powers will readily consent to our Independance provided they may make it as simple as possible and it will be ever the Interest of France that they should do this least we should at a future day form an Alliance with great Brittain. I was against this Clause because I think it must convince even the French Court that we are reduced to a weak and abject state and that we have lost all that spirit and dignity which once appeared in the proceedings of Congress.

[P. S.] 18th.

162. THE PRESIDENT OF CONGRESS TO BENJAMIN FRANKLIN.¹

PHILADA. June 19, 1781.

Sir,

You will receive herewith enclosed, a Letter addressed to his most Christian Majesty, with a Copy of the same for your Information; also a Commission constituting yourself with the four other Gentlemen therein named our Ministers for negotiating Peace, also another Commission and Duplicate authorizing the same Ministers to accept of the Mediation of the Emperor of Germany and Empress of Russia, in one of which the Emperor is first named and in the other the Empress, to be made Use of as Circumstances shall render it expedient

I have also herewith enclosed, Instructions (in Cyphers) for your Government, in Addition to those formerly given Mr. Adams for negotiating Peace. A Letter in Answer to yours of the 12th of March will also accompany this.

You will please to communicate immediately to Mr. Adams and Mr. Jay the Receipt of these important Dispatches

Mr. Secretary Thomson desires you would be so good as to send him the Machine with proper Directions to be used, for striking Copies of Letters as mentioned in yours of the 12th of March.²

For Want of Time myself I must refer you to Mr. Lovell's Dispatches for American Intelligence in general.

² See the *Journals*, June 15; also nos. 120, 130, 152, 157, *ante*, 166, 174, 206, 241, 311, 401, 585, *post*. A letter from Arthur Lee to James Warren June 15, discussing recent proceedings, particularly the attitude of the committee of Congress respecting his accounts, the secretaryship of foreign affairs, to which he had been in nomination, the peace settlement and the purposes of the French court, etc., is in *Warren-Adams Letters*, II, 166. In a letter to Warren July 27 (*ibid.*, p. 169) he discusses the action of Congress in joining Franklin and others to Adams for the negotiation of the treaty of peace.

[162]¹ Library of Congress, President's Letter-Book, p. 20; Am. Phil. Soc., Franklin Papers, XXII. 52½; *Works* (ed. Sparks), IX. 46, (ed. Bigelow), VII. 236.

² The letter is in the *Journals*, June 19, and in Wharton, *Rev. Dipl. Corr.*, IV. 511. Franklin replied, Sept. 13, "The copying machine for Mr. Secretary Thomson is in hand, and will soon be finished and sent to him". *Ibid.*, p. 710.

163. THE BOARD OF WAR, PROCEEDINGS.¹

AT A BOARD OF WAR June 19th 1781.

Present, Mr Peters Colo. Grayson

The Board in obedience to the directions of Congress to report a plan of succession for the Hospital and Medical Departments of the Army beg leave to suggest the following arrangement

That all present vacancies of hospital physicians and surgeoncies be filled up by the eldest hospital Surgeons and Mates.

That in future the right of succession by Seniority take place from Regimental Surgeons to Hospital Physicians and Surgeons inclusive; excluding all such as shall on examination of the Director of the Hospitals and Chief Physician of the Army be certified to be disqualified for promotion.

That the persons requisite to fill the higher grades in the Hospital and Medical Department be appointed from time to time by Congress according to merit and abilities.

That the States appoint Regimental Surgeons to the Battalions of their respective Lines.

That all Regimental Surgeons to Battalions or Corps not belonging to the line of any particular State be nominated by the Director of the Hospital and the chief Physician and Surgeon of the Army with the approbation of the Commander in Chief.²

164. THE PRESIDENT OF CONGRESS TO GEORGE WASHINGTON.¹

PHILADELPHIA June 20th: 1781.

Sir,

Your Excellency will receive enclos'd a petition from Genl Bailey and others Inhabitants in the Northern Frontier on Connecticut river; which is referd to the Commander in Chief.²

Congress are anxious to obtain the release of the late President Laurens from his Confinement and for that purpose have passd a resolve directing our Minister at Versailles to offer Genl Burgoyne in exchange for him. the resolve passd in consequence of a report we receivd, that Genl Clinton has refused to Exchange Burgoyne

This constrains me to trouble your Excellency once more on the Subject, and request you would inform me whether Genl Clinton hath refused to exchange Genl. Burgoyne, or whether the carrying this Resolve into Execution will embarrass any measures you may have in contemplation respecting a general exchange of prisoners

This information is necessary before the orders for exchanging President Laurens are transmitted to Europe.³

[163]¹ Library of Congress, Washington Papers.

² These proposals were drawn up by the board of war in compliance with an order of Congress June 18. A report of the board June 11 contained some similar propositions, but they are marked as having been postponed. The board's propositions of June 19 appear to have been transmitted to Washington July 17, along with the proposed resolves of July 14. See no. 199, *post*.

[164]¹ Library of Congress, Washington Papers; *ibid.*, President's Letter-Book, p. 22.

² See the *Journals*, June 16.

³ See the *Journals*, June 14. On the same day on which the resolve authorizing the exchange of Burgoyne for Laurens was adopted Laurens was chosen one of the com-

165. JOSEPH JONES TO GEORGE WASHINGTON.¹

Dear S'r,

I have your favour of the 7th instant which gives me entire satisfaction of the propriety of your remaining with the Northern Army and that it was out of your Power from the small army under your Command to afford any present succour to the southern States. The same Sentiment I find was entertained by Governor Jefferson to whom I presume you have written on the Subject but from the contents of a Letter I have just received (or rather the Delegates of Virga.) from R. H. Lee inclosing one to be forwarded to you I expect you will be further solicited on that head and as it may not be practicable for you speedily to give that Gentleman an answer by safe conveyance from the present situation of the Country, I shall as soon as an opportunity offers write to him upon the subject.²

Could not Genl. Greene be well spared from the South to take the Command in Virga. The great scene of action is there, and as you cannot be present his Abilities and experience may be very useful excuse the haste of this Letter wch I have been obliged to write in Congress.

PHILA: 20th June 1781.

166. JAMES LOVELL TO JOHN ADAMS.¹

Sir,

France appears to be most perfectly satisfied with the [present mediators yet presses us]² for an Arrangement final of the most [moderate terms. Franklin Jay H Laurence and Jefferson are added to you].³ You would

missioners for negotiating peace. Cf. nos. 53, 54, 73, 157, *ante*, and no. 168, *post*. Washington's reply to this letter, June 28, was read in Congress July 2. See further the *Journals*, Aug. 21, 22, Dec. 3.

[165]¹ Library of Congress, Washington Papers; *Letters of Joseph Jones*, p. 80.

² See no. 136, note 3, *ante*. The letter from Richard Henry Lee to the delegates has not been found, but his letter to Washington June 12 and one to James Lovell of the same date are in *Letters* (ed. Ballagh), II. 233, 235. The letter to Washington is also in *Letters to Washington* (ed. Sparks), III. 332. His definite suggestion that Washington be sent to Virginia with 2000 or 3000 troops, etc., is in the letter to Lovell. Washington, replying to Lee July 15 (*Writings*, ed. Sparks, VIII. 106), refers to the plan in veiled terms and declares that "there are insuperable obstacles to my removing from the immediate command of the auxiliary troops".

[166]¹ Adams MSS., Boston.

² The words in square brackets are written in cipher. For an explanation of the cipher used in this and others of Lovell's letters (nos. 174, 206, 311, 401, *post*) see this editor's note on "Ciphers of the Revolutionary Period", in *Am. Hist. Rev.*, XXII. 329. See also note 8, below. The key to the cipher used with Adams and those used for a limited period with Franklin, Jay, Laurens, and Palfrey, are found in *Papers Cont. Cong.*, no. 59, vol. I. Concerning the subject of mediation see no. 130, *ante*. With regard to conferences with the French minister see the *Journals*, May 22 to June 19; cf. no. 152 (note 2), *ante*, and no. 168, *post*.

³ See the *Journals*, June 11, 13, 14, and nos. 157, note 2, 161, *ante*, 206, 241, 391, 401, *post*.

be made very happy by such an Event being grounded on a Desire to alleviate the Distress of a great [discretion⁴ but blush blush] America [consult and ultimately concur in every thing with] The Ministers of his most Christian Majesty, the Independence of the United States according to the Tenor of our alliance [kept sole ultimatum]. I might have mentioned a Circumstance not very material in the present Turn of Affairs [all or less or one can conclude as plenipo]. It is a Satisfaction to me and others alike interested that your other [parchments are untouched]. I hope therefore that we may conclude our [haddock⁵ safe]. I presume you will be at very little Loss to come at the Clue of this Labyrinth. [Gravier⁶ now] persuaded of the absolute Necessity of the most cordial Intercourse between [him and you strongly pressed for orders of that kind] and Suppleness knew not whence to stop especially when under the Spur of [at least Marbois].⁷ It is needless to turn Well diggers on this Occasion the whole is at the Superficies. I must officially convey to you some Papers. I shall use this same Cypher. I suspect that you did not before understand it from my not having said supped in *Braintree*. I guess I said New England.⁸

The President has sent the Papers before referred to. I furnished the Instructions in a Cypher. If any Thing prevents your coming at the Purport Doctr. Franklin can certainly decypher his. I[t] was intended to send only one Set by one Vessel, but I think that would have added Something to the List of Oddities in this Business.

I do not despair of being able to write again by this Opportunity.

The *Franklin* came into the River today. Letters from Mr. Dana are recd. to April 3d. Yr. last is Oct. 24.⁹

Affectly
J L

June 21, 81.

167. THE BOARD OF WAR TO GEORGE WASHINGTON.¹

Sir,

WAR OFFICE June 22d: 1781.

The Board have the Honor of transmitting you a Copy of a Letter from Genl. Greene, respecting the necessity of a Resolution of Congress,

⁴ Lovell probably means that Adams would be gratified if the purpose were to relieve him of the sole responsibility.

⁵ The allusion is to the fisheries. See especially the *Journals* for 1779, index, Fishing Rights.

⁶ Gravier de Vergennes. See the report of the committee on the memorial of the minister of France (*Journals*, May 28), and no. 311, *post*.

⁷ See the *Journals*, May 28, June 1, 4-9, 11, 13, 15, 18, 19; cf. nos. 174, 241, 311, 401, *post*.

⁸ Lovell's explanation of the key to the cipher was reiterated in detail on a sheet which accompanied his letter of July 21 (no. 206, *post*), and again in a letter of Nov. 30 (Adams MSS.), in which he remarks: "You certainly can recollect the Name of that Family where you and I spent our last Evening with your Lady before we sat out on our Journey hither. Make regular Alphabets in number equal to the first Sixth Part of that Family Name", etc. The name was CRANCH, and the key was CR, which is one-third, not one-sixth, part of the name. Adams was not however very successful in deciphering Lovell's letters, and he had the same difficulty with some letters from Robert R. Livingston, secretary for foreign affairs, written in the same cipher. See Wharton, *Rev. Dipl. Corr.*, V. 73, 192, 459.

⁹ Adams's letter of Oct. 24 is *ibid.*, IV. 103.

[167]¹ Library of Congress, Washington Papers (signed, "Will'm Grayson By order of the Board").

declaring that all Prisoners of War who engage in the Enemy's Service, from whatever pretence shall be treated as Deserters, on which they request you to favor them with your Sentiments.²

The Board are unhappy to inform you, that nothing is yet done in consequence of Genl. Knox's Letter: immediately on the receipt of it they made the necessary Estimates and Applications to Congress, for the following Sums; to the Department of Milit'y Stores £3794 Specie, and for Transportation £43,747 Specie; but the Money is not yet granted, and nothing can be done without it: the Board have been informed that their Estimates were referred to a Committee who were directed to confer with Mr. Morris on the subject.³

The Clothing ordered for the Detachment under the Command of the Marquis, mentioned in your Letter of the 8th of May, have long since arrived here; but notwithstanding the Board have been fully apprized of the necessities of the Troops, they have been hitherto unable to forward them, for want of the Money which they applied for on the 9th of May; they are, however, informed that this difficulty will be removed by the last of this Week.⁴

168. RICHARD HOWLY TO JOHN LAURENS.¹

PHILADELPHIA June the 22, 1781.

. . . . We have appointed five commissioners to manage the business which had been entrusted heretofore to Mr. Adams—your father is one of the number. Doctor Franklin, Mr. Jay and Governor Jefferson are also joined in the commission. We have passed a resolve authorising our plenipotentiary to offer Genl. Burgoine in exchange for your father and hope it will prove successful as his services will be much wanted should the mediating powers be in earnest to terminate the disputes among the beligerent powers.²

169. SAMUEL JOHNSTON TO THOMAS BURKE.¹

PHILADELPHIA, June 23rd, 1781.

Dear Sir:

. . . . The Assembly² is now sitting at this place and it is said discover a disposition to do great matters, but you know these people better than I do and can better Judge what is to be expected from them. You will before this reaches you have heard that a Negotiation for peace is on foot in Europe under the Mediation of the Emperor and Empress-Queen of Russia, the Events of this Campaign will determine whether America is to reap any Advantages from this Measure. We have the most friendly and unequivocal Assurances from our Ally that our Interests

² Greene's letter, dated May 10, was read in Congress June 11.

³ See the *Journals*, June 28.

⁴ See the *Journals*, June 22.

[168]¹ Paris, Arch. Aff. Étr., Corr. Politique, États-Unis 17: 45.

² Cf. nos. 157, 164, 166, *ante*.

[169]¹ N. C. Hist. Comm., Burke Papers, 1774-1783; *N. C. State Recs.*, XV. 491.

² That is, the assembly of Pennsylvania.

will be attended to and that he will make good on his part every thing that he has undertaken. . . .

I have heard that our Assembly was to meet the 15th Instant and not doubting but the Delegates are by this time ready to set off for this place, I shall turn my face homeward as soon as completed a little business of considerable importance to our State. . . .

P. S. The Assembly adjourned yesterday after passing a Law for completing their Quota of Troops which it is thought will be effectually executed. They have very judiciously put their funds under the direction of your friend R. Morris which will have a very happy effect on their Credit. I consider myself as particularly unfortunate in not having been able to cultivate an acquaintance with that Gentleman, owing partly to my indisposition and in some measure to my ignorance of the Etiquette of this place. There is no confirmation of the Report respecting the arrival of the Ship *Fayette*, has not yet taken place and I fear she is lost.

June 27th.³

170. JOHN MATHEWS TO NATHANAEL GREENE.¹

PHILADELPHIA June 25th 1781.

Dear Sir,

The inclosed newspapers will give you the current news of this quarter. For other particulars I refer you to Govr. Rutledge who can say to you, all I can at this time, except such matters as I dare not communicate either to him or to you.

I hope his presence will be productive of all the good consequences you expect. I am well persuaded many advantages will result from it, and if you can but be happy enough to maintain the ground you have with such infinite labour, and honor, gained from the enemy, that you will have the heart felt satisfaction of seeing your generous exertions crowned with as much success, as could possibly be expected, that is, order, and all the tranquillity that a state of war can admit of, restored to a grievously distressed country.²

171. THE SOUTH CAROLINA DELEGATES TO THE QUARTERMASTER-GENERAL (TIMOTHY PICKERING).¹

PHILADELPHIA June 25th 1781.

Sir,

The Delegates of South Carolina have received a letter from Mr. Drayton, who was appointed by Congress as D'y Q'r M'r G'l for the Southern Department in Novr. 1778.

³ Presumably the letter was finished June 27.

[170]¹ William L. Clements Library, Greene Papers (addressed, "Majr. Genl. Greene Commanding Officer Southern Army. Favoured by Govr. Rutledge").

² Thomas Rodney wrote June 23 to William Killen, summarizing the latest news from Virginia and the Carolinas, concluding with the remark, "The present time requires particular and extraordinary exertions to complete our Glorious Struggle for Liberty". Henkels, *Catalogue*, no. 785, item 159, extract.

[171]¹ N. Y. Pub. Lib., Misc. MSS. (in the writing of Mathews and signed "Jno. Mathews, Ns. Eveleigh, Isaac Motte, Tho. Bee").

Mr. Drayton mentions the disagreeable situation in which he stands, by not having received any intimation of what has been done in the department since the new arrangement took place, particularly on what footing he is to be considered, or whether he is to be considered as still in the service or not.

We should therefore be obliged to you Sir, to satisfy Mr. Drayton on this head, and if a new appointment is necessary, that you would be pleased to make it, if his character is such a one as you approve of. Mr. Drayton was at the beginning of this revolution a gentleman of independent fortune, and one of the first families in So. Carolina. He has served in this department with reputation, and is as well qualified as any man we know for a continuance in it.

If the department he formerly held should be filled up before you receive this, we could wish him to be appointed for the State of So. Carolina. But we rather hope for his continuance in the first.²

172. THE SECRETARY OF CONGRESS TO THE SEVERAL STATES.¹

PHILADELPHIA June 26, 1781.

Sir,

Upon the completion of the Confederacy by the Accession of the State of Maryland the United States in Congress Assembled thought proper to revise the regulations respecting captures and for that purpose on the 27th of March last passed an ordinance of which I have the honor of enclosing a copy, and conformable thereto on the 7th of April Ordained and established rules and instructions to be observed by the Captains or Commanders of private armed Vessels commissioned by letters of Marque or general reprisals

This having occasioned a change in the commission etc. the board of Admiralty have not been able before this time to furnish this office with the new forms and hence has arisen the delay in supplying your state.

....

P S There are several Vessels in Virginia which want commissions, the deranged state of affairs in that commonwealth having induced some of the owners and masters to apply to Congress it is Judged proper to refer them to you.

C. T.

173. THE BOARD OF WAR TO GEORGE WASHINGTON.¹

WAR OFFICE June 26, 1781.

Sir,

The Board beg Leave to trouble you with a Copy of a Motion respecting Vanherr's Corps which was referred to us by Congress.² We have

² Stephen Drayton was elected deputy quartermaster-general for the Southern department Nov. 17, 1778. See Laurens to Drayton Nov. 21, 1778, in vol. III., p. 501. This letter is endorsed, "answd. July 10th, 1781".

[172]¹ Md. Hist. Soc., Red Book, VIII. 10; Mass. Arch., CCIII. 345; Mass. Hist. Soc., C 81 B (to New Hampshire); Library of Congress, Papers Cont. Cong., no. 49, f. 551 (draft); *ibid.*, no. 18, p. 10 (letter-book copy).

[173]¹ Library of Congress, Washington Papers (signed, "Richard Peters By order").
² The motion referred to, which is found with the board of war's letter in the Washington Papers, is the following: "That [] Vanheer's Corps called the

been informed that the principal Part of this Corps is made up of German Deserters and were doubtful about the Propriety of establishing them in the Line of the State as their Enlistments are contrary to the Resolves of Congress and evidently improper. Beside we conceived that the Corps was intended only to perform the Duty for which they were originally raised and adding them to the Pennsylvania Line would be immediately annexing them to the Southern Army as that Line by Resolution of Congress is to compose Part of that Army. This we did not choose to do without your Consent and Opinion upon the whole Matter

174. JAMES LOVELL TO MRS. ABIGAIL ADAMS.¹

. . . . There have been some Proceedings nearly affecting Mr. A's public Character. Lest you should be uneasy at Hints caught here and there I think proper to tell you that a Change of Circumstances in Europe has made it necessary, according to the major Opinion, to (A) [be liberal in *discretionary* powers], and it hath been made part of the plan to (B) [colleague] the Business in Consequence. I do not think upon the Whole that the latter Circumstance will be the most displeasing to our Friend; the real Truth being that (C) [our allies are to rule the roast], so that the Benefit of the latter Provision will be that the (D) [insignificance will be in shares]. This is my poor angry opinion of the Business.²

y m o and h St J L.

June 26, 1781.

Now *Woman* be secret.

[P. S.]

Marechausée Corps be considered as part of the quota of Troops to be furnished to the Army of the United States by the State of Pennsylvania."

Concerning Capt. Bartholomew von Heer see Heitman, *Hist. Reg.* The organization of his *maréchaussée* corps was begun in the autumn of 1777, and the question of its disposition had frequently arisen. On July 29, 1778, Congress authorized the attachment of the corps to the Pennsylvania quota on condition that Pennsylvania would pay the state bounty. This the Pennsylvania council declined to do (Apr. 24, 1779). After fruitless appeals to the Pennsylvania council von Heer memorialized Congress on the subject (Mar. 18, 1780), and on Apr. 15, 1780, wrote Washington asking that the corps be reformed as an independent troop of light cavalry, to be attached to the Pennsylvania quota. During the succeeding year there were frequent complaints, particularly arising from delay in paying his troops. On May 15, 1781, he wrote to the board of war setting forth the complaints of his men for want of pay, pointed out that the term of enlistment of his men was approaching expiration, and asked for directions; then, on May 25, he wrote to Washington enclosing papers relating to the history of his corps and requesting directions how to proceed. Washington replied June 1, indicating the value he placed upon the corps, but pointing out the refusal of Pennsylvania to pay the bounty to his soldiers. The matter of pay was brought before Congress by the board of war June 18 (in a report dated June 14), and Congress granted three months' pay. The motion transmitted by the board is not recorded in the *Journals*, but it is probably the motion of the Pennsylvania delegates June 25. Washington replied to this letter from the board July 9. July 25 von Heer again wrote to Washington complaining that his men were not paid, and beseeching Washington's consideration. About the same time he seems to have preferred a petition to Congress. See the *Journals*, July 28 (erased entry). Similar problems respecting his corps arose again the following year. See *Pa. Arch.*, first ser., IX, 486, 505.

[174]¹ Adams MSS., Boston.

² The words in square brackets are in cipher. See no. 166, note 2, *ante*. The allusions in the letter are to the appointment of Jay, Franklin, Laurens, and Jefferson as associates of John Adams in the negotiation of the peace treaty and to the discretionary powers in the instructions to those commissioners. See nos. 157, 161, 166, 168, *ante*, and nos. 206, 241, 401, *post*.

175. SAMUEL LIVERMORE TO THE PRESIDENT OF NEW HAMPSHIRE
(MESHECH WEARE).¹

PHILADELPHIA June 26th 1781.

Dear Sir,

I recd. yours of 28th May by yesterdays mail. This is the only letter I have recd. from you: and this I suppose has been detain'd at Fishkill for want of a postrider as one of our postriders with his mail were taken and carried to York abt. begining of June.²

You have doubtless recd. sundry of my letters before this time informing of my arrival etc. and of the bad state of the currency: Since which I have drawn on you in behalf of the state two small bills the first 133 $\frac{1}{3}$ doll's the second 266 $\frac{2}{3}$ dollers which I suppose will come to hand before this.

If this meathod of supply be disagreable I beg some other may be pointed out, or that I may be informed of the pleasure of the Court.

I have between 8 and 9 hundred dollers of the new emission dollers and several thousand of the old: but paper money is of no use. The court would be unwilling to have me put away the paper at 6 or 7 for one which they must redeem in so short a time.

As to Vermont I am sorry to see the distressed situation we are in by the policy of a few. The affair might have been settled a year ago, upon the plan I proposed. But the rejecting that has irritated the people on the grants, on both sides the river, and given our enemies the advantages they now possess. We have no delegate from New York as yet and Congress has been very thin 'till very lately: as soon as any thing can be done I shall do the utmost to bring matters to a settlement: But which way it will be settled I am at a loss. Your letter will be of great use, I am perswaded, in exciting the attention of our friends in congress, I shall accordingly shew it to a number of them.

They must see that Rome or Carthage must be demolished. I am very strongly impressed with an idea that this dispute will never be settled but by dividing the territory between N York and us, but I have no authority to act on this plan. Genl. Sullivan has expresst the same sentiment to me lately. Should the whole be decreed to us they might be too powerfull under the influence of Mr. Allen to obey the decree: Should they be divided that part that would fall to us wd perhaps be easily reconciled.³

The Ship *Franklin* which arrived here from France last week had a very long passage consequently brought no news:

You will observe the British and Tory news every where holds forth that America is to be excluded from the negotiations for peace: But depend on it the fact is otherwise.

[175]¹ Mass. Hist. Soc., C 81 B 36.

² See nos. 149, 150, *ante*.

³ See nos. 186, 192, *post*.

176. THE MARYLAND DELEGATES TO THE GOVERNOR OF MARYLAND
(THOMAS SIM LEE).¹

PHILA. June 26th, 1781.

Sir,

We received your Excellencys Letter which you did us the honor to write the 22d Inst.²

We are truly sensible of your Excellencys and the Councils inclination to Support us in this place. We have only to regret that the means in your power have not hitherto been adequate to the purpose; but if the Tobacco which you put under Mr. Keys direction, arrives safe, we shall be relieved from every difficulty wch we have for some time laboured under.

We have not seen Mr. Mollohon, but have not the least doubt of his honoring Mr. Keys Order.³

177. SAMUEL JOHNSTON TO JAMES IREDELL.¹

PHILADELPHIA, June 27th, 1781.

Dear Sir:

. . . . I have been detained here longer than I expected from unavoidable circumstances, which I shall have the pleasure of communicating when I can see you. I hope to leave this place some day next week, but as it will be necessary for me to take a pretty extensive circuit to avoid the enemy's horse, and the weather being too warm for me to make long days' journeys at this season, I cannot form to myself any judgment respecting the time I shall arrive with you. . . . This will probably be a very important, though perhaps not a decisive campaign. I am not perfectly informed of the plan on which it will be conducted on our part, nor is it proper that I should communicate so much as I do know to paper. Should a few fortunate events cast up in our favor, I hope there will be no more of it after this summer—if otherwise, God knows where it will end, *for America can never submit*. . . .

178. THE PRESIDENT OF CONGRESS TO THE QUARTERMASTER-GENERAL
(TIMOTHY PICKERING).¹

PHILADA. June 28, 1781.

Sir,

The enclosed Report from the Board of War of the 26th Instant, with Col. Miles's Letter and Estimate being laid before Congress, they have referred the same to your Consideration.²

[176]¹ Md. Hist. Soc., Red Book, V. 105 (in the writing of Jenifer, signed by Jenifer, Carroll, and Potts); *Arch. of Md.*, XLVII. 316.

² The Letter is *ibid.*, XLV. 483.

³ See nos. 134, 146, 155, *ante*, no. 262, *post*. The delegates, writing again to Governor Lee, July 3 (by the hand of Carroll), remark: "We have not received any Money from Mr. Mullohan. Unless we are Supplied in a few days to answer the demand on us, our Situation will be extremely disagreeable. We are sorry to trouble you so often on this Subject." Md. Hist. Soc., Red Book, V. 104; *Arch. of Md.*, XLVII. 336.

[177]¹ McRee, *Life of Iredell*, I. 521.

[178]¹ Library of Congress, President's Letter-Book, p. 29.

² The report of the board of war is in the *Journals*, June 26. See also *ibid.*, June 20. Pickering's reply, from "Camp at Phillipsburgh", July 10, was read in Congress July 17. A further letter on the same subject, Aug. 12, was read in Congress Aug. 16.

You will consider whether the public Service requires such large Magazines of Forage to be laid up in this City. You are doubtless sensible of the great Resort to this City and the Consumption of Forage on that Account if all Persons who desire and think they have some Claim can get their Horses kept at the public Stable. How far this Expence can be avoided consistent with the Good of the public Service you will judge, and I am satisfied you will adopt every Plan of oeconomy in your Power and transmit to Congress your Sentiments on this Subject as soon as may be.

179. SAMUEL HUNTINGTON TO GEORGE WASHINGTON.¹

PHILADELPHIA July 2d, 1781.

Sir,

A disagreeable report hath prevailed here that the prisoners lately taken at pensacola were to be sent to N. York.

I have caused enquiry to be made on this Subject and the best account that can yet be obtain'd is from a Mr. Syms lately arriv'd from the Havannah. a [Copy] of his Report taken by Mr. Lewis of th[e] Admiralty herewith enclos'd I have thou[ght] proper to transmit to your Excellency

I cannot however perswade myself that Governor Galvez who commanded the Expedition, and hath manifested the most Friendly Sentiments, and attachment for us, would admit of terms so apparently detrimental to these States.²

180. JOHN SULLIVAN TO GEORGE WASHINGTON.¹

PHILADELPHIA 2d July 1781.

Dear General,

Though I have nothing Important to write your Excellency at this moment I take the Liberty by his Excellency the Chevalier de La Luzerne to assure you of my earnest wishes for your Success against New York and that every effort of mine shall be employed while I remain in Congress to second your attempt and to fulfill (or even if possible to anticipate) your wishes; my time in Congress will soon expire and my Domestic Concerns forbid my suffering myself to be rechosen. of Course the Service I may render to your operations must be within a few weeks, in

[179]¹ Library of Congress, Washington Papers.

² This letter is signed by Huntington but not as President, neither is it recorded in the President's Letter-Book. The intelligence transmitted by Francis Lewis (accompanying this letter in the Washington Papers) is as follows:

"Mr. Syms in conversation with two British Captains at the Havanna was by them informed that the terms of capitulation for the surrender of Pensacola were: The Garrison to be sent to New York at the charge of his Catholick Majesty, and not to serve against Spain or its Allies, till exchanged.

"A Spanish Officer present contradicted the assertion, whereupon one of the British proposed a wager of fifty Guineas that those were the terms, which the Spanish Officer declined.

"Mr. Symes further informs that some transports with prisoners on board sailed for New York at the time he left the Havanna, and that both Officers and privates were to be sent to New York." Cf. nos. 205, 207-209, *post*.

[180]¹ Library of Congress, Washington Papers (addressed, "His Excellency General Washington Honored by his Excellency the Ministre of France").

which time I shall be happy to employ myself in that useful manner. I suppose that the Resolutions respecting the augmentations of the powers of a Court Martial have reached you. The Report of the Committee empowered the Court to Inflict five hundred Lashes. But this was Rejected upon the principles Laid Down in the Levitical Law² Strongly urged by Roger Shearman Esqr and Co and though a Great Majority of Congress were for it the Question was Lost for want of the assent of Seven States: This relation will Convince you of the Incompetence of Some Members in the American Senate as well as of the Absurdity of Some parts of the Confederation.³

181. THEODORICK BLAND TO GEORGE WASHINGTON.¹

FAIRY HILL NEAR THE
FALLS OF SKUILKYLL

July 2d 1781.

S'r,

In my last I had the honor to inform Yr. Excell'y that your letter which came enclosed to me directed to the Govr. of Virginia was forwarded by express.² the departure of the Chev'r de La Luzerne for camp affords me this opportunity of acquainting your Excellency that your request respecting the Riflemen from this state has been this day enforced by a requisition of Congress, in the terms contained in your letter but not without some opposition from the delegates of this state, which excited no small surmise in me seeing the requisition was in every sense so necessary and proper. the Exertions of Rhode Island and some of the other States make a happy Contrast to this disposition. We have great reason to believe from a letter of Col: Cary³ Sp: of the Sen: of Virginia, that Ninety Six fell before General Greene the latter end of May.

² "Forty stripes he may give him, and not exceed." Deut. 25: 3.

³ In a letter to Congress Feb. 3 (*Writings*, ed. Ford, IX. 126, ed. Sparks, VII. 395) Washington had brought to the attention of Congress "the inconveniences arising from the want of a proper gradation of punishments in our military code", and had remarked, "The highest corporal punishment we are allowed to give is an hundred lashes; between that and death there are no degrees". Accordingly, "Capital sentences on this account become more frequent in our service than in any other, so frequent as to render their execution in most cases inexpedient; and it happens from this, that greater offences often escape punishment while lesser are commonly punished, which cannot but operate as an encouragement to the commission of the former".

This letter (read in Congress Feb. 9) was referred to a committee (Joseph Jones, McDougall, and Sullivan). The *Journals* record the presentation of the report under June 15, indicating at the same time that the report had been under consideration on the 11th. On the 16th the amendment to the rules, to which Sullivan refers, was rejected. Who was Sherman's principal aid in urging adherence to the Levitical law does not appear. Sullivan was the only New Englander who voted in favor of the amendment.

[181]¹ Library of Congress, Washington Papers.

² There is a letter from Bland to Washington June 19 in the Washington Papers, but it is not the one here referred to.

³ Col. Archibald Cary. See no. 183, *post*. Washington's reply, July 8, is in the Virginia State Library. It is said to have been picked up in a field on the Bland place in April, 1829, near a barn in which papers had been stored when the Bland mansion was destroyed by fire. It is printed in the *Bland Papers*, II. 72.

182. JAMES MITCHELL VARNUM TO THE GOVERNOR OF RHODE ISLAND
(WILLIAM GREENE).¹

PHILADELPHIA July 2d 1781.

Sir,

. . . . His [Robert Morris's]² personal Credit here, as well as in Europe, is very extensive, and no other Man could effect as much as Mr. Morris. We have already experienced the happy Consequences of his Appointment in a vast Retrenchment of Expenses. He is now taking effectual Measures for simplifying the various Departments, and calling to Account those who have basely wasted the public Funds. In Republics so delicately connected as those of the united states, Reformation of Abuses is difficult in the first Instance, and must be extremely gradual when we consider the total Derangement of our Finances, bordering almost upon irretrievable Ruin by the progressive Operations of several Years mistaken Policy.³

. . . . I must now take the Liberty of subjoining, that from the Knowledge, Integrity and Credit of the Financier, we may expect the Most beneficial Events from his administration. But he must be supported by the States. Time will gradually unfold the propriety of this Institution, and reestablish Respectability and Importance in the American Character.

. . . . General Cornell arrived yesterday and delivered your Excellency's Letter to Congress, the contents of which will soon be acted upon, and Congress are disposed to treat them with the most honorable Regard.⁴ I have not, as yet, heard from Mr. Mowrey, neither have I obtained an official Information from the State since last April. The amazing Depreciation of the Paper Currency, upon my arrival here, soon made it necessary to draw Support from my family; but absolute Necessity obliged me, some Time since, to draw upon the General Treasurer of the State for two hundred and sixty-six Dollars and two-thirds.

I hope the State will not continue long unrepresented. It is a very unfortunate Situation. The unremitted Attention that has been necessary during my Residence here, to a multiplicity of perplexing Business, would render a Permission to return very agreeable; but the will of the State and a Consciousness of preferring the public Good to every other Consideration, will make me happy in every possible Situation.

[182]¹ R. I. Arch., Letters to the Governors, 1780-1781, p. 87; Staples, *R. I. in Cont. Cong.*, p. 346.

² Varnum had been speaking of the engagements of the state of Pennsylvania with Robert Morris, whereby Morris had been put in charge of the state's finances. The appointment next alluded to is that as superintendent of finance.

³ There follow some pertinent reflections upon the multiplied evils in the departments and the possibility of reforms. See vol. V., no. 621, note 2, and nos. 14, 25, 46, 48, *ante*, no. 265, *post*.

⁴ See no. 72, *ante*. The letter from Governor Greene which Cornell delivered was that of June 7, read in Congress July 2. The committee's report upon it is in the *Journals*, July 7. See no. 189, *post*.

183. JOSEPH JONES TO GEORGE WASHINGTON.¹

D'r S'r,

Such has been the situation of Virginia for some time past we have but little and that very imperfect intelligence of the transactions there—this may have been the case with you and yesterdays Post being the only one for some weeks that brought us Letters I inclose one received from Col. Carey² for your perusal knowing that your acquaintance with that Gentleman will readily account for his prolixity and some inaccuracies.

Col. Temple³ who arrived here a few days ago to forward M[oyle]ns Dragoons and which he expected to meet on the road shewed me a Letter dated the 21st ult. from the Marquis pressing him to use all possible dispatch to join him with that Corps of Horse—that the Enemy had left Richmond and were m[oving] down for Williamsburg. it is many weeks since this state was requested to equip this Cavalry and send them to the Marquis's Army and we have been amused week after week that at least sixty of them were ready to march and sometimes told they were marched but such has been the supineness of this assembly they are not yet equiped and must be sent to Virga. to be mounted if money can be procured to pay them part of what is due them for back pay. The militia called for to go to the southward will not be raised, and difficulties have been started to the 300 *particular militia* you requested but I am in hopes they will be furnished. I will pardon all this if they fill up their continental line w'ch they say is their design. in the meantime they escape sending Militia either South or North unless the 300 you asked for are supplied.⁴ Our affairs have taken a most favourable turn to the South and I hope the Spirit of the people in that quarter is now so much roused that they will not be again reduced to the distressed state they were lately in. their present resentm't is high, and though partly ravaged the Country yet abounds with resources which when properly applied will make them formidable. could the Enemy but get a check by water in Virga. in that State every thing wo'd soon be restored and their insolence as much humbled as lately it has been insulting.

When you have perused Col. Careys history you may commit it to the flames.

PHILA: 3d July 1781

184. THE BOARD OF WAR, PROCEEDINGS.¹

AT A BOARD OF WAR July 3rd, 1781.

Present, Mr. Peters, Colo. Grayson, Genl. Cornell

Congress having directed this Board to take Order for the furnishing the Table of the Commander in Chief;

[183]¹ Library of Congress, Washington Papers; *Letters of Joseph Jones*, p. 84.² See no. 181, *ante*.³ Lieut.-Col. Benjamin Temple.⁴ See the *Journals*, May 31, June 12, July 2; also *Pa. Arch.*, first ser., IX. 141, 195, 197, 207, 255; cf. no. 180, *ante*.[184]¹ Library of Congress, Washington Papers.

AGREED,

That there be a proper Person appointed to act in the Character of Steward to the Commander in Chief, to be responsible for all Monies furnished to procure Supplies for the Table of the Commander in Chief

That the Accounts of the said Steward be settled Monthly by the Auditors of the Army.

That the Superintendant of Finance be requested to supply Monies from Time to Time on the Application of the sd. Steward and reasonable Estimates made for the Purposes aforesaid

That his Excellency the Commander in Chief be requested to Appoint a suitable Person to act as Steward and fix his Pay; informing the Board of the Person appointed and the Salary or Wages agreed on.

That until the forementioned Measures can take Effect it will be necessary to furnish an immediate supply of Articles for the Table of the Commander in Chief, wherefore

ORDERED That the Commissary General of Purchases be directed to make and lay before this Board, an Estimate of Articles, necessary for two Months supply (Wine excepted) and their Value; that the same may be transmitted to the Superintendant of Finance; and that he be requested to advance the necessary Sums to the said Commissary General, who is hereby directed to purchase and send the Articles contained in said Estimate, and approved by this Board, to Head Quarters of the Main Army forthwith.

Extract from the Minutes ²

JOS: CARLETON Secy.

²The order of Congress to the board of war was July 2. The board's minute of proceedings was transmitted July 5 to Washington, who replied July 16, with regard to the choice of a steward. Cf. no. 219, *post*. July 14 the commissary-general, Ephraim Blaine, wrote to Washington:

"Inclosed you have an Invoice of sundry Articles for the use of your Excellency's Table loaded in five Waggon and put under the particular Care of the Waggon Conductor. All the Stores are of the best quality, the Wine is properly cased and all the other Articles put up carefully—beg your Excellency to Order some person to examine and see that the Stores are properly deliver'd before the Waggon Master and his People are discharged. There is one Pipe of Wine and some other Articles which will be forwarded next Week—should have had the Table Linnen made up but not knowing the length of your Tables or Marquee thought it best to forward it and the Diaper for Toweling whole in Order that it may be made proper sizes. I wish the Stores safe and have the Honor to be with all due Respect," etc. Library of Congress, Washington Papers.

Following is the invoice:

'Invoice of Sundries sent to Head Quarters for the use of His Excellency General Washington's Table—Philadelphia 14th July 1781.

6 Quarter Casks	Madaira Wine,	Contain'g	198 Gallons
1 Ditto	sweet	Ditto from Mr. Morris	
2 Tierces	Jamaica Spirit,	82	} 143 Gallons
2 Barrels	Ditto Ditto,	61	
1 Ditto	French Brandy,		34 Do.
1 Ditto	Shrub,		30 Do.
6 Barrels	Hares Bottled Porter cont'g,		24 Doz.
1 Hhd	} Morris's	Do.	Beer,
1 Tierce			
2 Bbls.			24 Do.
2 Bbls.	Containing	350 lb. of (English) Cheese	
1 Tierce	contain'g	231 lb. 14 oz. Loaf Sugar,	double refined
1 Box	do.	375 lb. best Spanish Sugar	
1 Bbl.	do.	187 lb. of Coffee	

185. ROGER SHERMAN TO THE GOVERNOR OF CONNECTICUT
(JONATHAN TRUMBULL).¹

Sir,

PHILADELPHIA, July 3d, 1781.

I shall have occasion for more money to enable me to continue here to the expiration of the term for which I was appointed. I was obliged to use a part of the £100 furnished me last May to provide some necessaries for my family and I have occasion for some clothing. Living here is very expensive, board is as high as ever, tho' the prices of provisions have fallen in the market. There was no money in the Treasury to pay for my services in the last circuit, and what was due for my past services in Congress I received a note for, payable after the expiration of the war.

I must entreat your Excellency and the Hon'ble Council of Safety to order the Pay Table to draw on the Treasurer to furnish me with the sum of fifty pounds specie at least, (a greater sum would be more acceptable) and send it by Jesse Brown the next time he comes to Philadelphia.

186. SAMUEL LIVERMORE TO THE PRESIDENT OF NEW HAMPSHIRE
(MESHECH WEARE).¹

Dear Sir,

PHILADELPHIA July 3d 1781.

I shall just enclose you a paper, which will give you some very good news from the Southward.

I say nothing of Vermont, about which nothing can be done for want of a delegation from New York. I long to be about it; and yet I am much at a loss what to do.²

[P. S.] The Chevalier John Paul Jones is coming to Portsmo. to take command of the 74.³

- 2 Casks Raisins
- 1 Small Box cont'g 10 lb. of Mustard
- 1 Box of China contain'g 2 Doz. Coffee Cups with saucers, two Tea-Potts, a Cream Jugg and Six Bowls
- 1 Barrel of Hams 170 lb. Nt.
- 2 Box containing 12 Bottles Oyl 12 Bottles Olives and 4 Bottles of Kitchup
- 6 Kegs Sturgeon
- * { 2 do. Pickled Oysters
- 6 Doz. Knives and Forks
- ½ lb. Nutmegs ½ lb. Cloves ¼ lb. Cinnamon ¼ lb. Mace
- 1 ps. Diaper 35 Yards, Cost 40/per Yd.
- 16 Yards Do. do. 8/
- 1 Table Cloth
- 6 Yards Sheeting
- 2 Bottles of Kitchup

* Note, these Articles together with the China are cont'd in a large Chest, also Mustard."

[185]¹ Mass. Hist. Soc., *Collections*, seventh ser., III. 236.

[186]¹ Mass. Hist. Soc., C 81 B 39.

² See no. 175, *ante*, and no. 192, *post*.

³ The 74-gun ship *America*. See the *Journals*, June 23, 26; cf. no. 197, *post*. On the same day (July 3) identical letters introducing John Paul Jones were addressed by Sullivan to President Weare (Mass. Hist. Soc., C 81 B) and to John Wendell of Portsmouth (original in possession of Mrs. Barrett Wendell of Boston, copy in the New Hampshire Historical Society).

187. THE PRESIDENT OF CONGRESS TO BENJAMIN FRANKLIN.¹

PHILADELPHIA July 5, 1781.

Sir,

In my Letter of the 4th of January last I had the Honor to transmit to you Sir the Resolve of Congress of the 21st of December signifying their Desire that you should apply to the Court at which you reside to use Means for the Release and Exchange of the honorable Henry Laurens [Esquire], Copies of which are herewith enclosed

I am now to transmit you the enclosed Resolve of the 14th Ult. by which you are authorized and empowered to offer Lient. General Burgoyne in Exchange for the honorable Mr. Laurens

As the Honor and Interest of these states is concerned for the [Support and] Release of that Gentleman, your best Endeavors will not be wanting to accomplish the Desire of Congress on so important a Subject.²

188. DANIEL OF ST. THOMAS JENIFER TO BENJAMIN FRANKLIN.¹

PHILADELPHIA July 6th, 1781.

Dear Sir,

. . . . I suppose the Special appointment of Col. Laurens to the Court of Versailles was a measure that you could not have expected would have been adopted by Congress: Your having negotiated the business for which he was sent before his arrival, proves that his errand was unnecessary.²

Public bodies in all Countries, and more especially in this new World are too apt to take up, and determine hastily upon subjects of the greatest consequence. I was absent when that Gentleman was elected. And however the Maggot may have bit on that occasion, I can assure you that Congress have the greatest reliance on your abilities, integrity, and address, in so much, that it is with pleasure that I can inform you in the late choice of Ministers to negotiate a peace, you were unanimously elected.³

189. THE PRESIDENT OF CONGRESS TO GEORGE WASHINGTON.¹

PHILADELPHIA July 8, 1781.

Sir,

Your Excellency will receive enclosed, a Resolve of Congress of the 7th Instant, together with the Extract of a Letter from Governor Greene of the 7th of June which is referred to the Commander in Chief, to take such Order by calling upon the four Eastern States for the Aid of Militia to defend Rhode Island as he shall think necessary

This Reference is made on the Supposition that Governor Greene might probably be unacquainted at the Time his Letter was wrote, of the Meas-

[187]¹ Hist. Soc. of Pa., Franklin Papers, I. 257; Univ. of Pa., Franklin Papers, V. 27; Library of Congress, President's Letter-Book, p. 33.

² Cf. no. 157, *ante*. The words in square brackets are not in the letter sent, but are in the letter-book copy.

[188]¹ Univ. of Pa., Franklin Papers, V. 28 (duplicate).

² Concerning the mission of John Laurens see vol. V., no. 540, note 5; cf. no. 241, *post*.

³ See the *Journals*, June 14, and nos. 157, 166, *ante*.

[189]¹ Library of Congress, Washington Papers; President's Letter-Book, p. 35.

ures adopted by your Excellency for calling out the Militia as well for the Protection of Newport as also in Aid of your military Operations, which may be concerted in such Manner that further Assistance from the Militia for the Security of that State may be thought unnecessary, of which your Excellency can best determine and take Measures accordingly

I have represented the Subject in this Light to Governor Greene.²

190. THOMAS MCKEAN TO SAMUEL ADAMS.¹

Dear Sir,

Since you left us we have been going on nearly in the old tract, tho' the General Assemblies of this State, Delaware and Maryland, by their late exertions, being at last thoroughly roused, have granted such effectual aids, as must enable us in a little time to hold up our heads again. . . .

A new President of Congress is to be chosen to Morrow as Mr. Huntington will not continue any longer: this honor is going a begging; there is only one Gentleman, and he from the Southward, who seems willing to accept, but I question whether he will be elected.² There are some amongst us, who are so fond of having a great and powerful Man to look up to, that, tho' they may not like the name of King, seem anxious to confer kingly powers, under the titles of Dictator, Superintendant of Finance, or some such, but the majority do not yet appear to be so disposed.³ . . .

PHILADELPHIA July 8th, 1781.

191. SAMUEL HUNTINGTON TO GEORGE WASHINGTON.¹

PHILADELPHIA July 10, 1781.

Dear Sir,

My Health is so much impaired by long Confinement and Application as compels me to retire from Congress.

I have the Pleasure to inform your Excellency they have elected his Excellency Thomas McKean Esqr. to be their President

² See the *Journals*, July 2, 7. A similar letter, containing this explanation of the action of Congress, was addressed to Governor Greene the same day (President's Letter-Book, p. 36). Washington's reply, July 16, was read in Congress July 23. Governor Greene's letter of June 7 is in *R. I. Recs.*, IX. 433. It is addressed to General Washington, but it is there noted that the same letter, *mutatis mutandis*, with a small additional paragraph, was addressed to Congress.

[190]¹ N. Y. Pub. Lib., Samuel Adams Papers; Hist. Soc. of Pa., McKean Papers, I. 53 (draft).

² See the *Journals*, July 6, 9, 10. Earlier in the year John Mathews of South Carolina, Joseph Jones of Virginia, and Daniel of St. Thomas Jenifer of Maryland were spoken of as possible successors to President Huntington (see nos. 33, 116, *ante*). The gentleman from the southward who seemed willing to accept may have been Mathews. Inasmuch as Samuel Johnston declined the election it is not likely that McKean alluded to him. See nos. 191, 221, *post*.

³ Adams's reply to this letter, Aug. 29, is in *Writings* (ed. Cushing), IV. 260. On the subject of these appointments he remarks: "I understand that G M, is appointed Deputy Financier, R R L, Secretary of foreign Affairs, and if Gl. S. is appointed to the War Department and Gl. M. to the Marine, there will be a compleat N Y Administration. It may be well to enquire, *what Influence* has brought this about, and whether so much Power vested in the Citizens of one State will excite the reasonable Jealousy of the rest." Cf. nos. 14, 112, *ante*, no. 265, *post*.

[191]¹ Library of Congress, Washington Papers.

It also gives me much Satisfaction on retiring, to see our public Affairs in many respects wear a more promising Aspect than heretofore.

The Enemy at present in every Part of the United States seem to be reduced to a Situation merely on the defensive, and should the States improve the Opportunity with proper and vigorous Exertions, we have Reason to hope from the Smiles of Providence yet more favorable Events

The Distresses we have suffered from the deranged State of our Finances begin to be relieved, and the Arrangements taken by the Appointment of a Superintendant of Finance etc. and the Measures he is adopting give me great Encouragement on that most important Subject

I am now to take Leave of your Excellency with Respect to my official Correspondence, but be assured Sir, my warmest Wishes still continue to attend you, that your military Operations may be prospered and crowned with the most desirable Event, a speedy and honorable Peace, and that you may experience many Days of Tranquility in the Enjoyment of the happy Fruits of your important and arduous Services in the Cause of your Country

Whatever my future Situation in Life may be, I shall always love my Country. In her Happiness and Prosperity will consist my own personally.

Should my State of Health permit me the Pleasure of waiting upon your Excellency (which a few Days Journey will determine) I shall certainly improve the Opportunity on my return to Connecticut.²

I have the Honor to be, with the highest Respect and Esteem

Your most humble Servant

SAM. HUNTINGTON

192. JOHN SULLIVAN TO THE PRESIDENT OF NEW HAMPSHIRE
(MESHECH WEARE).¹

PHILADELPHIA, July 10th, 1781.

Sir,

Mr. Livermore and myself were honored with your Letter of the 20th June, with the Enclosures recd. by yesterday's Post, which were immediately laid before Congress and referred to a Committee, with Directions to report as soon as possible.² When the report is brought in and considered, we shall give you official Information. I expect the Result will be a prohibition to the pretended State of Vermont exercising any Jurisdiction East of the River, and an appointment of a Day for proceeding upon the Examination of the Dispute. This will end in the appointment of a Committee to Determine thereon. The Reason why this has not been

² The following circular letter was sent by Secretary Thomson, July 10, to the several state executives, General Washington, General Greene, and possibly others:

"Sir I have the honor to inform you that the Hon'ble Samuel Huntington having informed the United States in Congress assembled that the State of his health would not permit him to continue longer in the exercise of the duties of President and requested leave of absence, Congress have this day proceeded to the Choice of a President and have elected the Hon'ble Thomas McKean." Library of Congress, Washington Papers; William L. Clements Library, Greene Papers, etc.

[192]¹ *N. H. State Papers*, X. 402; *Hist. Magazine*, XXIII. 173; Harvard Univ. Lib., Sparks MSS., XXXV. 101.

² Weare's letter of June 20 is in *N. H. State Papers*, X. 401; *Vt. Recs.*, II. 309.

sooner done is because there has not been a competent Congress since last fall, untill within a few weeks past: I am every day more and more convinced of the Danger and impolicy of suffering the Question of the Independence of Vermont to come upon the Tapis;³ . . .

193. SAMUEL OSGOOD TO JOHN LOWELL.¹

Dear Sir,

PHILADELPHIA July 10th 1781.

. . . . It was a Misfortune that I did not receive your Official Letter, respecting the Money etc. before I left Boston. The Letter has been before a Comm'e about Eight or Ten Days. A Report has been drawn up several Days—but the Person that draughted it was suddenly taken ill, and his life has been almost dispaired of, for two or three days. I was very desirous to have him present, he is sensible, and has considerable Influence, and appears to take up the Matter upon equitable Principles, with Respect to the old Money. As the Report now stands, every state is to be credited for all the old they can procure, previous to the first of November next, at 75 for 1. This will afford our State Relief with Respect to the Sum it may have, over and above the Requisition of Congress. Mr. Houston, of new Jersey, the Gentleman I have Reference to above, says, that he is surprised, that our State should hesitate, as to Congress's crediting them for any over plus Sum, that they should collect—But you are very sensible that we did hesitate. If it should pass as it now stands (I cannot be assured that it will) It will not reach you so that the Genl. Court can act upon it before September; as I suppose they will adjourn to that Month.² It is publicly avowed that Congress cannot, that they have not the Power to draw Bills of Exchange to discharge the Interest of any of the new Money etc.—it will *not be paid* as the face of the Bill Specifies. It is hard telling you so. But so it will be, for all the old Members say it cannot be otherwise. this I am truly sensible will be attended with the most dangerous Consequences to our State, Congress being as well ascertained of this Fact 6 Months ago as they now are, from what I can learn; . . .

194. THE PRESIDENT OF CONGRESS (THOMAS MCKEAN) TO THE SEVERAL STATES.¹

(Circular.)

Sir,

Your Excellency will receive inclosed an Act of Congress of this Day, respecting French Mariners, who may be employed in any of the armed

³ Sullivan proceeds to give at some length his reasons. See the *Journals*, July 9, 20, 24, 28, 31; also vol. V., no. 635, and nos. 16, 24, 25, *ante*, 200, 201 (note 2), 214, 224, 225, 228, 235-237, 239, *post*.

[193]¹ N. Y. Pub. Lib., Samuel Adams Papers.

² The letter from a committee of the Massachusetts legislature, May 24, was laid before Congress June 27 and referred to a committee of which Osgood was a member. July 16 a letter from the governor of Massachusetts, dated June 18, was referred to the same committee. The committee's report, presented Aug. 7, was taken into consideration Aug. 23 and referred to the superintendent of finance. See no. 279, *post*. Houston, who is mentioned as seriously ill, was in Congress as late as June 29.

[194]¹ Library of Congress, President's Letter-Book, p. 41; N. Y. Pub. Lib., Myers Coll., Distinguished Americans (to Governor Lee of Maryland); *Pa. Arch.*, first ser., IX. 273.

and other Vessels in the Service of these States, or the Citizens thereof.

This Proceeding is so explicit, the Thing desired so necessary, and the Fruits of its Success so interesting to the common Cause, that I rest assured nothing will be wanting on your Part to promote so salutary a Purpose.

PHILADELPHIA, July 12, 1781.

195. THE CONNECTICUT DELEGATES TO THE GOVERNOR OF CONNECTICUT (JONATHAN TRUMBULL).¹

PHILADELPHIA, July 12th, 1781.

Sir,

We were honored with your Excellency's letter of the 18th of last month, and are well pleased with the measures taken by the Hon. General Assembly, therein mentioned. It is the wish of Congress, as well as of the people in general this way, to get rid of paper currency; it greatly embarrasses our affairs; it is but little used here in any trade or dealing, and not at all in the market; the prices of many articles of country produce are near as low for hard money (as) they were before the war. The new continental and State bills are not better than five for one specie; the issuing them at that rate, if they are to be redeemed at par, must be a very great loss to the public. We are glad that the State we have the honor to represent has determined to issue no more bills of credit, and that those now outstanding are likely to be soon redeemed in a way that will do justice to the possessors and the public.

. . . . No Journals of Congress have been printed since December for want of money to pay the expence. The regulation of the clothing department has been lately altered, and the several States excused from procuring any account of the United States after the first day of September next. We opposed the measure, being of opinion that the army will suffer for want of clothing, if not supplied by the particular States, also that many articles of clothing can be provided by the people easier than they can raise hard money to purchase them. We have the satisfaction to find that General Washington has the same apprehensions with us as to the first particular, which will probably induce Congress to reconsider it.²

The State of Massachusetts has applied to Congress for justice with respect to the old continental bills in that State, whose currency is now at an end; the matter is under the consideration of a Committee.³

[195]¹ Mass. Hist. Soc., *Collections*, seventh ser., III. 240 (signed by Sherman and Ellsworth).

² See the *Journals*, June 18. A modification of the measure, proposed July 23, was defeated.

³ See no. 193, *ante*, and no. 279, *post*. An omitted passage relates to the appointment of Thomas Barclay as vice-consul to France in place of William Palfrey, who was supposed to have been lost at sea, and the appointment of Robert Smith as agent at Havana. With regard to Palfrey see vol. V., no. 546, note 3. The resolve to appoint a vice-consul to France was adopted June 21, and Thomas Barclay was chosen June 26. On the same day it was resolved to appoint an agent at Havana, and June 27 Robert Smith was chosen.

196. SAMUEL OSGOOD TO HENRY GARDNER.¹

PHILADELPHIA July 12th 1781.

Sir,

A convenient Opportunity offering to negociate a small Sum of hard Money, I have taken the Liberty to draw upon you for Twenty five pounds Ten Shillings in Favor of Mr. Allen. Whether the General Assembly have empowered you to answer the Draughts in hard Money I know not. But I flatter myself, they will do it, if they apprehend their Delegates cannot be otherwise supported; At present I do not think we can subsist without hard Money.

I hope it will be in your Power to obtain a Warrant for this Draught. If not, pray be so kind as to inform me, And what Way we may expect to be supported here. While here, my Dependance must be upon the State, and as I am pretty well acquainted with her Distresses I shall endeavor to make the Burthen as little as Decency will admit of.

N. B. Mr. Partridge and myself have drawn upon you Jointly in Favor of Mr. Allen for one hundred and seventy hard Doll'rs which will be Eighty five Doll'rs for each of us.

197. THOMAS RODNEY, DIARY.¹[July ?] ² 1781 PHILADELPHIA.

IN CONGRESS.

Particular Instances wherein the leading members and Congress followed my Counsels

I produced a plan of finance which was approved—only necessity would not or seemed not to admit our waiting the Effect, Therefore the Specie plan was adopted.³

The Inferior business of Congress was assigned to Several officers and rules Established for their Conduct—and officers or Ministers appointed. this I urged immediately on going to Congress,⁴ for I saw the members worn out by business that could be much better done by clerks, and a clamour constant round them because they could not do it fast Enough.

[196]¹ Mass. Arch., CCV. 629b.

[197]¹ Library of Congress, Rodney Papers.

² There is nothing to indicate when these notes were written, but inasmuch as Rodney's last recorded attendance was July 12, they are placed at this point.

³ Rodney was a member of the committee appointed May 8 "to devise further ways and means to defray the expences of the ensuing campaign", etc., but what share he had in preparing the report which the committee offered May 14 is not evidenced by any record in the *Journals*. One proposition was rejected on the 14th, and on the 15th the report was recommitted. A revised report was brought in May 17, and on May 22, after further rejections and amendments, several propositions were adopted. This measure is doubtless what Rodney calls the "Specie plan". It does not appear that Rodney was present at any time during the debates on the measure. The entry in the *Journals* May 22 omits his name from the list of the committee.

⁴ See no. 68, *ante*.

Being absent an order was made to remove all provisions etc. out of the Peninsula for fear of an expedition of the Brittish there—this was absurd and I had it immediately altered.⁵

When it was moved to order Washington and the army to Virginia I opposed it as being calculated to frustrate all his own plans—it was often moved but still rejected.⁶

I was agt. selling the Ship *America* and prevented it several times.⁷

I prevailed in gitting five Comms. to make the peace, instead of three and thereby, got Doctr. Franklin and Mr. Laurence, appointed.⁸

I prevailed in gitting Mr. Morris financier, In gitting Mr. McKean President on Mr. Huntingdons going home.⁹

I got Mr. Geddes a Comm. in Treasury restored.¹⁰

I got Mr. Hodgdon apptd. in the room of Col. Flours etc.¹¹

I got Doct. Tilton restored after he had been excluded by the medical committee.¹²

My Counsel prevailed in Committee of the States against adopting harsh measures agt. Vermont.¹³

In many other things my council was given great attention to by leading members.

But perhaps one of the most Important Matters my Counsel prevailed in while I was attending Congress in this year was the following which tho not done in Congress, but in a kind of private Conversation, yet was in some measure a Communication of sentiment between Congress and the army—wherein I may be considered as acting on the part of C—and Genl. G—— on the part of the A—y.

⁵ Two such measures were adopted, one on Sunday, Apr. 8, the other Apr. 23. Neither measure appears to have been rescinded. See particularly no. 80, *ante*.

⁶ See nos. 136, 165, *ante*. No motions to order Washington to Virginia at this time are recorded in the *Journals*.

⁷ Rodney was not a member of the committee that reported June 23 in favor of finishing and equipping the *America*. For a history of the ship see B. B. Crowninshield, in *Essex Inst. Hist. Colls.*, vol. XXXVII.

⁸ See nos. 68, 157, *ante*.

⁹ Nothing has been found which serves to show the extent of Rodney's influence upon the determination in either instance.

¹⁰ Nov. 22, 1780, William Geddes was elected paymaster-general, but on the following day the election was set aside on the ground that a complaint had been exhibited against the chamber of accounts of which Geddes had for some time been one of the commissioners and that the determination with regard to that complaint had not yet been made. The complaint alluded to was doubtless that which grew out of the controversy over the settlement of the account of Francis Hopkinson for his "fancy work". See vol. V., nos. 176, note 2, 298, note 4. However, on Jan. 11, 1781, Geddes was again nominated for the office of paymaster-general, but failed of election, the successful nominee being John Pierce (Jan. 17). Feb. 10 a committee to whom had been referred (Feb. 5) a letter from Geddes, dated Feb. 2, reported that his election had been set aside "upon reasons of expediency and propriety", and that reports circulated injurious to his character and reputation on that account were unfounded. The *Journals* do not record either his discharge or his restoration as a commissioner of the treasury. He appears to have been serving in that capacity when he obtained, Mar. 30, leave of absence for a few weeks. Jan. 28, 1782, he was elected one of the auditors of the treasury.

¹¹ Samuel Hodgdon was elected commissary-general of military stores July 11, 1781, on the nomination of Richard Howly.

¹² The *Journals* contain no record of the action referred to in the case of Dr. James Tilton.

¹³ Rodney probably means the committee of the whole, although he may mean the grand committee, the term applied to a committee consisting of one member from each of the states. The precise time to which he refers is uncertain.

The leading members of Congress and a Number of Officers of the Army dined at the House of Mr. Huntingdon President. a variety of Sentiment on the war etc. was talked over and after a while when Dinner was over and the several Tosts gone round, the rest one after another all went of and left Genl. G. and myself in conversation. We went over the whole Contest and war with Britton, and having concluded this part of the conversation turned our views to what was to be the situation of America after Peace, knowing that this was now solicited by G. Brittain

It was agreed that the people would not be satisfied with their then form of government, That something would be necessary to be done. I then proposed the plan and Association of the Cincinnati as necessary to preserve the union and to Effect a reform in the Government. He asked what form would be best? I answered that which would be most like the one we had been used to without being the same.

He asked how we could form such an one? I answered let there be a Senate to represent the several states and a house of Commons or Deligates to represent the people. He asked how we should make a Chief Magistrate. I answered he must be Elective. He asked how he must be Elected. I answered by the Legislature or the people, but probably it would be best for the people to Elect him otherwise they might git jealous of him. He then asked how we should form the Interior Government. I answered this needed no direction for it Could not Easily be mistaken, for the System of Law itself would direct this. But I no doubt at the time and since have noted more particularly what passed on this occasion for what was then pland has been strictly fulfild and acted up to by America.¹⁴

198. THE PRESIDENT OF CONGRESS (THOMAS MCKEAN) TO
GEORGE WASHINGTON.¹

Sir,

Your Excellency's favor of the 6th Instant to the late President was received and read in Congress.²

I have now the Honor to inclose you an Act of Congress of the 11th respecting the Geographers of the United States, and another of the 12th appointing Samuel Hodgdon Esquire Commissary General of military Stores.

As I shall for some time hold a constant correspondence with your Excellency, a duty the most agreeable of any I have to perform in consequence of the Station now assigned me, it may not be improper to mention, that if I transmit to you the Acts or Resolves of the United States in Congress assembled without comment, I flatter myself it will not be

¹⁴ The conversation to which Rodney refers probably took place about the end of April, 1781, when both Rodney and General Gates (who is evidently meant by "Genl. G.") were in Philadelphia. At this point Rodney has penned the following: "Note—Having wrote out the blank paper in a folio blue covered Quire of Paper beginning the last of April and Ending the last of May I comenced my Journal in this book there being part of it now blank—1796."

[198]¹ Library of Congress, Washington Papers; *ibid.*, President's Letter-Book, p. 43; Hist. Soc. of Pa., McKean Papers, I. 56 (draft).

² Washington's letter of July 6 (*Writings*, ed. Ford, IX. 295, ed. Sparks, VIII. 97) was read in Congress July 10.

attributed to a want of proper attention to your Excellency or the business, but to my doubts of the propriety of doing otherwise.

Any intelligence which I may communicate respecting our Affairs abroad or at home, you will be pleased to consider as my private act. There is nothing of importance at present. We are blessed with a most plentiful harvest; in this State the corn is greater in Quantity and better in quality than in any year of the last twenty, and the country teems with fruit. The Legislatures in most of the States have imposed very considerable taxes, tho' perhaps not quite equal to the exigencies of our affairs, yet they appear to be as heavy as the People can bear. The friends to our Independence rather increase than diminish, and appear to be as determined to support it as at any period of the controversy. Public and private credit and confidence are restoring fast, and the trade and commerce of this city really flourish. In short our affairs wear a promising aspect.

PHILADELPHIA, July 14, 1781.

199. THE BOARD OF WAR, PROCEEDINGS.¹

AT A BOARD OF WAR July 14th 1781.

Present, Mr. Peters, Col'l Grayson, Genl. Cornell

The Board have considered the letter of the Director Genl. referred to them, desiring that the vacancies in the Hospital Department may be filled up,

Report the following resolve

RESOLVED That a Board shall be held as often as the Commander in Chief shall direct to consist of the Director, the Chief Physician of the Army, or one Chief Physician of the Hospital and two Hospital Physicians and Surgeons then present, of which a general officer shall be President and have a Vote when the Board are divided; whose Duty it shall be [to] examine all Persons whatsoever whether they be of the Hospital Department or whether they be Regimental Surgeons or Mates or those who have retired from the Army on half Pay, or of the Citizens at large who shall solicit Promotion in the Hospital Department, and to report their fitness or unfitness to Congress for the Post they require, and none shall be promoted to vacancies or receive any appointment in the said Department unless they shall be recommended by the said Board, and except when Congress shall on extraordinary Occasions think proper, specially to interfere:—Provided also that where the Merit of Applicants is equal, that Senerioty in that Instance shall prevail.

RESOLVED That a Board shall be held as often as the Commander in Chief shall direct, to consist of the Director, the Chief Physician of the Army or one Chief physician of the Hospital and two Hospital Physicians and Surgeons then present; of which a Field Officer shall be President, and have a Vote when the Board are divided; whose duty it shall be to examine all Persons whatsoever applying for the Appointments of Mates in the Hospital Department, and report to Congress their fitness or unfitness for the Post they solicit; and none shall be appointed as Mates in the said Department, unless they shall be recommended by the said Board:—And

[199]¹ Library of Congress, Washington Papers.

it is farther Resolved, That when any Vacancies shall happen in the Hospital Department, the Promotion shall go on by regular Progression, from Mates of the Hospital, to the highest Offices of the same; except when Congress shall think proper, for special Reasons, to interfere.

No Surgeons and Mates of Regiments being of the Election of the particular States; Que[r]y "how can they be united to the Hospital Department?"²

200. THE PRESIDENT OF CONGRESS TO GEORGE WASHINGTON.¹

Sir,

A mail from Falmouth having been captured, sundry original letters have been sent to Congress, from which the following are extracts.²

It further appears from these letters, that Arnold has received Bills of Exchange for five thousand pounds sterling on London, which have been paid and the money invested in the Stocks. This was probably the *certain* reward of his treasons, the rest may have been *eventual*.

Congress are possessed of the originals from which the foregoing extracts are taken.³

PHILADELPHIA, July 17th, 1781.

² These proposals of the board of war were transmitted to Washington July 17, with a request for his opinions on the subject. Washington replied Aug. 5. On Aug. 13 the board wrote Washington that they were essaying a plan for the hospital department. A report dated Sept. 17 was brought in Sept. 20 and in the main adopted. On the following day (Sept. 21) there was a motion that the resolutions respecting the filling-up of vacancies in the general hospital be suspended until a report should be made upon a letter of that day from the superintendent of finance with regard to the hospital department; but the motion failed. However, on Sept. 22 it was ordered "That no appointment be made of mates, to supply the places of those promoted in the general hospital by the resolution of the 20 until the farther order of Congress". See no. 322, *post*. On Nov. 3 the committee on the letter of the superintendent of finance offered an elaborate report, including an "Ordinance for constituting and arranging the Hospital Department". This ordinance had its first reading on Monday, Dec. 24, its second reading Dec. 26 and 28, and was referred to a new committee. The latter committee reported Jan. 3, 1782, adversely to a general ordinance, but offered some resolutions which were adopted. See further the *Journals*, June 10, July 23, 1782.

[200]¹ Library of Congress, Washington Papers.

² The enclosures were extracts from the following letters, in the order here given: Lord George Germain to the commissioners for restoring peace (at New York), Mar. 7, 1781; Germain to Clinton, Feb. 7, 1781 (relative to Vermont, etc.); Germain to Clinton, Mar. 7, 1781 (revolt of the Pennsylvania Line, etc.). Extracts of the letters to Clinton are in Washington's *Writings* (ed. Sparks), VIII. 519, 520. The letter of Feb. 7 (in so far as it pertains to Vermont) is in *Vt. Hist. Soc., Collections*, II. 93, and *Records of Governor and Council of Vermont*, II. 311, 406. The letter to Clinton, Mar. 7, is in *N. C. State Recs.*, XVII. 990; another letter of the same date (respecting the recall of General Leslie from Virginia) is *ibid.*, p. 991. These and a number of other letters from the captured mail were printed in the *Pennsylvania Packet*, beginning July 21, and in the *Pennsylvania Gazette*, beginning July 25, prefaced with this statement: "The following are Copies of some of the Letters found in the Packet from England bound for New York, but taken on her passage and carried into France." Germain's letter of Feb. 7 was printed in the *Packet* of Aug. 4 and in the *Gazette* of Aug. 15. The original letters are in *Papers Cont. Cong.*, no. 51, vol. II., ff. 201-213; official "Duplicates" and "Copies" of these and other letters are *ibid.*, ff. 165-191, others in vol. I., ff. 780-825. See the *Journals*, Aug. 1, and nos. 201, 207, 208, 214, *post*.

³ That part of the letter which follows the extracts is in McKean's own hand. The letters which pertain to the money paid Arnold and its investment in England are from James Meyrick—one to Arnold, Jan. 30, 1781, and one to General Robertson, Feb. 7. They were printed in the *Pennsylvania Packet* of July 21 and in the *Pennsylvania Gazette* of July 25. The letter to Arnold, marked "Duplicate" but signed by Meyrick, is in *Papers Cont. Cong.*, no. 51, vol. II., f. 165; that to General Robertson is *ibid.*, vol. I., f. 781.

201. JOHN SULLIVAN TO JOHN WENDELL.¹

PHILADELPHIA July 17th 1781.

Dear Sir,

I am honored with your favor of the 3d Instant and shall pay particular attention to its Contents; the affair of Vermont is now before Congress and I flatter myself proper measures will be adopted to punish the Defection of the Towns East of Connecticut River: and also the unwarrantable usurpations of Vermont. I think Congress will fix a Day for determining the Claims of N: Hamp'sr and New York. I Thank you for the Intelligence respecting the Spy. I believe that by that or some other Channel you will soon discover that the Leading men in Vermont if not a great majority of the Inhabitants are in the British Interest.²

I sincerely wish Mr. Morris had had Cash Sufficient to pursue the Plan you propose but he has not Enough for that and for carrying on the present Campaign, which Last must be preferred to Every other Consideration.

As to the proposed Congress of vienna we have every thing to hope but nothing to fear from that Quarter. Russia has already fixed two preliminary Articles, *viz* an absolute Recognition of the Independence of America: And the Restoration of Dutch property by the Court of London.³

I shall mention you to Mr. Morris and inform you orally of his reply. I Say orally because I mean to Leave this place in a few weeks. Mr. Livermore Sends his Compliments.

[201]¹ N. H. Hist. Soc. (copy); *Hist. Magazine*, XXIII. 173; Original in possession of Mrs. Barrett Wendell, Boston.

² Sullivan wrote to President Weare the same day: "The affair of Vermont is not yet decided. I expect by next post we shall be able to forward you the Result of Congress" (*N. H. State Papers*, X. 404). Cf. no. 192, note 3, *ante*. The following letter from Robert R. Livingston (though not then a delegate) to Governor Clinton, written from Philadelphia, July 18, is apropos at this point:

"I arrived here yesterday and found Congress fully engaged in the business of the grants in consequence of a remonstrance from New Hampshire. A Committee was appointed and a report drawn up upon principles very repugnant to our interests. I have got some alterations made, it is still far from being unexceptionable, And have solicited the members not to proceed till our delegates arrive. Your excellency will see the necessity of expediting them as much as possible. The business may otherwise be entered upon without them when this and other considerations press for a full representation from our state. The enclosed extract of a Letter from Lord George Germain to Sir Henry puts their connection with Great Britain out of doubt and renders our situation truly alarming. I would beg leave to suggest to your Excellency the expediency of conferring with the Genl. (who has certified copies of the Letter) on the subject And however inconvenient it may be to you I think the Legislature should be convened immediately for the appointment of Delegates and the consideration of this business. It is true that Congress have not given nor will as far as I can learn will give [*sic*] (tho' I have endeavoured to bring it about) you any official information on this subject, yet as you already know it, and can learn it more authentically from the Genl. you would not be justified if any unfortunate consequence should arise from neglecting it. I shall have the honor of conversing with you more at large on this subject when I have the honor of seeing you at Poughkeepsie which I hope to be in the course of the next week as I shall leave this as soon as our delegates arrive who[se] places I am endeavouring as far as lays in my power to supply tho' very lamely as you may easily conceive." N. Y. State Lib., Clinton Papers, no. 6438.

Appended to this letter is an extract from Germain's letter to Sir Henry Clinton Feb. 7, 1781. See no. 200, *ante*.

³ See nos. 128, 130, 148, 161, *ante*.

202. RICHARD POTTS TO THE GOVERNOR OF MARYLAND
(THOMAS SIM LEE).¹

PHILADELPHIA July 17, 1781.

D'r Sir,

. . . Congress have had before them a number of Official Letters from the Ministers in Brittain to their Commander in Chief, and other Heads of Departments in America, these were intercepted in a packet taken in Europe and transmitted by Mr Jay.² . . .

[P. S.] The reduction of the post at Augusta is this Moment officially announced to Congress—have not time to transmit particulars. Nothing official from 96.³

203. THE GEORGIA DELEGATES TO THE SPEAKER OF THE GEORGIA
ASSEMBLY (JOHN JONES).¹

PHILADELPHIA, 18 July, 1781.

Sir,

Our colleague, Colonel Few, having cheerfully undertaken to repair to the State for the purposes mentioned in our joint letter of yesterday, we have to request that the honorable House will give him their entire confi-

[202]¹ N. Y. Pub. Lib., Emmet Coll., no. 1033.

² See the *Journals*, July 17, and no. 200, *ante*. Daniel Carroll wrote to Governor Lee the same day and to the same effect, except for the news contained in the postscript to Potts's letter (N. Y. Pub. Lib., Emmet Coll., no. 9493). In stating that the intercepted letters had been transmitted by Jay, Potts is correct only to the extent that Franklin had transmitted them (together with a duplicate of his letter of Mar. 12 to Congress) through Jay (see Jay's letter of Apr. 25, Wharton, *Rev. Dipl. Corr.*, IV. 384). Franklin's letter of Mar. 12 (*ibid.*, p. 281), the original of which had been read in Congress May 28, does not however mention the intercepted letters. Writing to Jay Apr. 12 Franklin enclosed a duplicate of his letter of Mar. 12 to Congress, "which I leave open for your perusal, and desire you to forward with your next despatches". In a postscript he says: "I enclose you copies of a number of letters lately taken and brought here. I wish you could send copies of them by different conveyances, as the contents of some are important" (*ibid.*, p. 357).

A letter from John Laurens, Apr. 9 (*ibid.*, p. 355), which also enclosed "extracts of the most conspicuous letters of an intercepted mail taken in a packet bound from Falmouth to New York", was likewise read in Congress July 16. Laurens's letter, which was written from Versailles, whereas Franklin was at Passy, was not however transmitted through Jay, for he says: "Being just apprized of an opportunity from Nantes to America, I take the liberty of sending this short provisional letter, lest upon my return to Passy I should not have time to write more fully." Meanwhile Franklin had transmitted to John Adams in Amsterdam, Apr. 7 (*ibid.*, p. 355), a copy of one of the letters respecting the Arnold money (Adams's reply, Apr. 16, is *ibid.*, p. 363), and on Apr. 29 he sent to Adams "extracts of two letters ministerial, found in the same packet with the former" (*ibid.*, p. 392). It is further to be observed that the Virginia delegates (nos. 208, 234, *post*) understood that the intercepted letters had been transmitted by Franklin. On Sept. 24 Congress received a letter of May 3 from Franklin enclosing other copies of the letters. At the same time came what was doubtless a duplicate of John Laurens's letter of Apr. 9.

³ A letter from Roger Sherman to John Lawrence the same day refers to the letters from General Greene, and adds: "General Green had besieged the Enemy's Fort at Ninety Six in South Carolina, which is the only post they hold in that State except Charlestown. We have a report that the Enemy has sent a reinforcement to Ninety Six and that General Green has raised [*sic*] the Siege but full credit is not given to it." Conn. Hist. Soc.

[203]¹ Hist. Soc. of Pa., Dreer Coll., Federal Convention, p. 56 (signed by Walton and Howly).

dence. He has conducted himself here much to our satisfaction, and we believe him possessed of the utmost fidelity, and zeal for the service of his Country.

We make no doubt that every necessary measure will be taken for convening the Legislature, in which we earnestly recommend harmony and good will.

The Colonel takes charge of the thousand dollars; and may, perhaps, be under the necessity of using some of them on the road.

204. THE PRESIDENT OF CONGRESS TO THE MARQUIS DE LAFAYETTE.¹

[July 19, 1781.]

Sir,

I had the Honor of your Favor of the 8th Instant with its Inclosures by Express, and immediately laid it before Congress. The Action on the 6th terminated so much to the Glory of the Officers and Soldiers of the Detachment engaged, and was so different from the Reports which had reached this City, that your Letter was received with great Satisfaction. I hope none of our gallant Officers are wounded dangerously.

Your private Letter to President Huntington was likewise communicated to Congress and sent to the Board of War.²

205. WILLIAM SHARPE TO CHRISTIAN FEBIGER.¹

PHILADELPHIA July 19th 1781.

Dear Colo.,

. . . . I am not a little surprised at the inattention of Don Galvez in the capitulation which he entered into with the enemy at Pensacola. It is contained in one of the inclosed papers to which I beg leave to refer you. As we are not yet the Allies of Spain and the french under Genl. Washington being auxiliary troops and as the prisoners have partly arived and are all expected at New York, they will evade the true intent and meaning of the capitulation and will in all probability arm against us. This will be a reinforcement to the enemy of near one thousand men.² We are not particularly informed what approaches the com'r in chief is making towards New York.

Genl. Greene and the Marquis, and their armies deserve the highest praise.³

Neither Mrs. Febiger nor myself have been so happy as to receive a line from you since we wrote you last.

[204]¹ Hist. Soc. of Pa., McKean Papers, I. 60 (draft, endorsed with the date July 19, 1781).

² See the *Journals*, July 19. The action alluded to was that of Green Springs, Va. William Sharpe's letter of July 19 (no. 205, *post*) speaks more particularly of Lafayette's letter, as also of that of General Greene.

[205]¹ William L. Clements Library, Clinton Papers (addressed, "Colo. Christian Febiger Majr. Genl. Marquis de la Fayette's Headquarters Per Express").

² Cf. no. 179, *ante*, and nos. 207-209, *post*.

³ The omitted passages of the letter relate to news from Lafayette and Greene. A letter from Colonel Febiger to Theodorick Bland, dated "Camp, 20 Miles from Williamsburgh, July 3d, 1781" (*Bland Papers*, II. 71), says that "by a letter from my much honored friend, Mr. Sharpe, I am informed of his intention of leaving Philadelphia".

P. S. Mr. Johnston is gone home. I will follow about the last of August or sooner. I have inclosed to your care a copy of Capt. Stokes's commission which I hear he lost at Colo. Buforts defeat. If I remember well he is one of your Captains.

N. B.: I am disappointed about the commision by the neglect of one of the clerks. will send it hereafter.

206. JAMES LOVELL TO JOHN ADAMS.¹

PHILADA. July 21, 1781.²

Sir,

[P. S.] private. The whole of the Proceedings here in regard to yr. two Commissions are, I think, [ill judged but] I persuade myself no [dishonour int]ended. the business greatly in every View [chagrins me] this you will have learnt from my former Letters written in an half-light.³

.....

207. EDMUND RANDOLPH TO GEORGE WEBB.¹

PHILADELPHIA July 23d, 1781.

Dear Sir,

I have neither Time nor Matter for a long Letter. The whole Treasure of News being unfortunately in Virginia, you can expect little from hence.

The inclosed Paper gives every thing in the Power of my Pen, except that it is said and believed, tho' not confirmed officially, that 5 Ships of War have arrived at New York from Great Britain in one of which the King's third Son is a Midshipman.

The Capitulation of Pensacola, so extraordinary in it's Nature, is to receive a Discussion in Congress. But it is difficult to advise the Steps fit to be taken with respect to it.²

Paper Money is viler than the Rags, on which it is printed before the Impression. Indeed it is not even heard of in any Place here. I hope you were punctual in taking up your Note for the Horse.

[206]¹ Adams MSS., Boston; Wharton, *Rev. Dipl. Corr.*, IV. 597.

² A letter from Daniel Carroll to Governor Lee July 21 mentions the arrival of a flag from Charles Town, having among its passengers General Moultrie; further, that the most important of the intercepted letters remain to be published (N. Y. Pub. Lib., Emmet Coll., Misc.).

³ See no. 174, *ante*. The words in square brackets are in cipher in the original. See no. 166, *ante*.

[207]¹ William L. Clements Library, Clinton Papers (endorsed, "Copy Intercepted Edmund Randolph to Hon'ble G. Webb. Phila'a July 23d, 1781"); *Royal Gazette*, Sept. 15, 1781. The issue of the *Royal Gazette* of Sept. 8 announces: "Part of the contents of a new REBEL MAIL (being the fifth) which was taken by a party of REFUGEES on Tuesday last. In justice to the several writers their epistles are, and will be, presented *Verbatim et Literatim*." The intercepted letters were printed in the issues from September 8 to 19.

² The *Pennsylvania Packet* of July 21 prints ("From a Charlestown Paper, of June 27") "Articles of Capitulation between his excellency Don Bernardo de Galvez . . . His excellency Peter Chester, esquire . . . And his excellency major general John Campbell . . . Fort George, 9th May, 1781". See nos. 179, 205, *ante*, 209, 212, *post*; cf. Washington to Don Francisco Rendon, Oct. 12 (*Writings*, ed. Ford, IX. 378, ed. Sparks, VIII. 175).

The Delegates have settled Rules of Correspondence with your Body, a Copy of which is to be forwarded tomorrow.³ We expected a letter from the Executive according to Promise by this Days Post, but were disappointed.

Signed, EDMUND RANDOLPH.⁴

208. THE VIRGINIA DELEGATES TO THE GOVERNOR OF VIRGINIA
(THOMAS NELSON).¹

S'r,

. . . . No doubt you have heard of the extraordinary Capitulation agreed to by the Spanish Commander on the reduction of Pensacola, whereby the Prisoners Captured there were allowed to be sent to any British Port, Jamaica and St. Augustine excepted, and that General Campbell has made choice of New York, at which place a part of them we are informed have already arrived and will no doubt be employed in defence of that Post.² Mr. Boudinot a Member from the State of New Jersey read us a Letter yesterday received from a Friend in Elizabeth Town dated the 20th instant informing him that Admiral Digby had arrived at the Hook with five Ships of the Line and it was said had Captured a fifty Gun Ship and Frigate of the French. In this Squadron it is said the third Son of the King of Great Britain is arrived in the Character of a Midshipman, and that a House was taken and preparing for his reception in the City.³

Some intercepted Letters transmitted us by our Minister at the Court of Versailles are ordered to be published. Some of them are interesting and others shew the continued delusion and folly of the British Ministry. The inclosed Papers contain part of them and may serve to amuse you.⁴

We beg to be informed of the important transactions of the last Session of Assembly as soon as possible and in particular what Sum of the New

³ The delegation letter (no. 208, *post*) having been intercepted, the "Rules of Correspondence" probably went into Rivington's wastebasket. George Webb was a member of the council, elected May 24, 1780. See *Official Letters*, II. 123.

⁴ A brief extract of a letter from Randolph to John Beckley, July 23, is in the same issue of the *Royal Gazette*.

[208]¹ William L. Clements Library, Clinton Papers (copy); Va. State Lib., Executive Papers (copy); *Royal Gazette*, Sept. 15, 1781; *Cal. Va. State Papers*, II. 245. The letter was signed by Jones, Madison, Bland, and Randolph.

² See nos. 179, 205, 207, *ante*, and nos. 209, 212, *post*; also the *Journals*, Aug. 10.

³ See particularly the comment of Joseph Jones (no. 209, *post*). The several copies of this letter show some noteworthy variations at this point. The copy in Va. State Library reads: "it is said the 3d Son of George the 3d is arrived in the Character of Midshipman, and that a House was taken for him in New York and preparing for his reception—we give you this as private intelligence to Mr. Boudinot not yet authenticated." The text in the *Royal Gazette* reads: "the third Son of (*our late most gracious Sovereign*) the King of Great Britain is arrived in the character of midshipman and that a House was taken and preparing for his reception in the city." The sentence "we give . . . authenticated" is not found there. Against the parenthetical phrase the *Royal Gazette* has this note in italics: "The words 'of our late most gracious Sovereign' were first wrote and are still plain to be seen though blotted. The truth seems inadvertently to have made its escape; its light was too glaringly strong for their eyes; and, though adepts in the blackening arts, they have in vain endeavoured to hide its lustre."

The *Royal Gazette* prefaces its text of the letter thus: "Copy of a letter from the Virginia Delegates in Congress to Thomas Nelson, Esq; the Rebel Governor, without a date, but supposed to be the 24th of July, 1781. N. B. It is printed *verbatim et literatim*."

⁴ See nos. 200-202, *ante*, and no. 214, *post*.

Emission of the 18th of March 1780 has been issued and on what terms a [or] proportion of value to the old Bills.

[PHILA: 24th July 1781.] ⁵

209. JOSEPH JONES TO THOMAS JEFFERSON.¹

PHILADELPHIA 24th July 1781.

Dear Sir,

I am happy to find by your Letter which came to hand Yesterday you were on the 16th at the Bowling Green on your Return Home, where I hope you will in future continue in Safety and undisturbed by his Lordship's plundering Parties. As it is probable from all Accounts they mean to detach either North or South, perhaps both, and leave a Garrison at Portsmouth. I fear, as you do, for the fate of General Greene, unless Succours shall be sent him. We were told there were 2000 twelve Months Men raised in N. Carolina intended to join him, but have heard nothing of them lately. If these Men are in the Field, or the half of them, and armed, Greene will, with such Militia as he can collect there, be able to oppose the Enemy, unless they detach largely to that Quarter, as the Reinforcement lately arrived at Charlestown were not more than 2000, and these new Levies and very sickly insomuch that Numbers of them died on the March to relieve Ninety Six. Virginia shoud not relax; but make every Exertion to equip Horsemen, for, in a large Body of Cavalry consists in great Measure the Protection of a Country so Water intersected as ours, where that Element is in the Command of the Enemy, for while they move with the Wings of the Wind, we shoud at least be able to move with the Speed of the Horse, to meet them and oppose their Ravages.

The Court of London declines accepting the Mediation of the Empress of Russia for settling the disputes between Great Britain and the States of Holland, and has referred them over to a general Pacification.

You must have heard of the Extraordinary Capitulation agreed to by the Spanish Commander on the Reduction of Pensacola, whereby it was left open to the Enemy to transport their Troops to New York, where part of them have already arrived, and will no doubt be in arms for the defence of that Post.²

Mr. Boudinot read us a Letter yesterday from his Friend at Elizabeth Town of the 20th instant informing him Admiral Digby had arrived at the Hook with 5 Ships of the Line, and it was said had captured a 50 Gun

⁵ This date-line is not found in the copy in the Clinton Papers nor in the *Royal Gazette*. The latter text has at this point, "To his Exc'y Thos Nelson Esqr. Govr. of Virginia". The former bears the endorsement, "Copy intercepted Jos Jones, James Madison, Junr., Theophs. Bland, to [and] Edmund Randolph".

Among the letters intercepted and printed in the *Royal Gazette* of Sept. 15 were one from Arthur Lee to Richard Henry Lee July 23, and one from James Lovell to Richard Henry Lee July 24. The capture of this mail was known in Philadelphia as early as July 31, when Madison wrote to Pendleton: "The mail of last week having been intercepted near Wilmington has kept back the post a day later than his usual arrival." *Writings*, I. 148.

[209]¹ William L. Clements Library, Clinton Papers (endorsed, "Copy Intercepted Jos. Jones—Supposed to be to the late Governor Jefferson of Virginia"); *Royal Gazette*, Sept. 15, 1781, where the person addressed is named as Thomas Jefferson or Edmund Pendleton.

² Cf. nos. 207, 208, *ante*.

Ship and Frigate of the French. In this Squadron is was also said the third Son of George the 3d came over as a Midshipman, and that a House was taken for him at New York and under Preparation for his Reception. Although not born amongst us, they may perhaps think we shall be pleased, like the Welsh of old, with the Presence of a Prince of the Blood, but what Name will they give him?

Whatever may be the Events of the Campaign, Heaven seems to smile upon us in affording a good and plentiful Harvest, the most abundant this way ever known and am pleased to find it continues South, tho' I expect the Progress of the Enemy must have lessened the Crops in our State.

P. S. While in Virginia, I mentioned to you in a Letter to Richmond, some great Questions I Expected would be agitated in Congress, and expressed my Wish to know your Sentiments upon them. Are they of so delicate a Nature you choose not to touch them? or by your Silence do you mean to insinuate they ought not to be touched?³

J. J.

210. JOSEPH JONES TO JOHN TALIAFERRO.¹

PHILADELPHIA 24th July 1781.

Dear Sir,

. . . .² What may be expected from France I cannot undertake to say but we have Assurances of every Support in her Power and are not without hope she will command the Water but these Matters are contingent and being uncertain demand the greater Exertions on our Part for our own Safety. By the Capitulation agreed to on the Surrender of Pensacola, the Garrison were permitted to go to any British Port but Jamaica or St. Augustine, whereby they have been sent to New York where we shall have them to contend with in Addition to the Force at that Place before their Arrival.

The Empress of Russia's Offer to mediate between Great Britain and Holland has been rejected by the former and referred over to a general Pacification. Some intercepted Letters taken in the Falmouth Packet for New York and carried into France and which have been transmitted us by our Minister there clearly opens the Designs and Expectations of the Enemy with respect to the Subjugation of the Southern States as well as continued Delusion and Folly of the British Administration, at least the Minister for the American Department whose Letters we have so late as 7th March when their late Successes had so elated them as to leave no Doubt but the Southern States were in Subjection and that the superior Force they had in America would enable Clinton to send Troops up to

³ The principal question was no doubt that of enlarging the powers of Congress. See nos. 29, 30, 48, 64, 65, *ante*.

[210]¹ William L. Clements Library, Clinton Papers (endorsed, "Copy Intercepted Jos. Jones to ———"); *Royal Gazette*, Sept. 15, 1781, where the person addressed is named as "Col. John Taliefero".

² The omitted passage relates items of news, much the same in substance as in no. 209, *ante*.

the Head of Chesapeak and in Conjunction with the Loyalists of Maryland and Pennsylvania subdue those States, and that General Washington commanding but a handful of Men must cross the Hudson and take Refuge in the Eastern States, where being deprived of Succours and Supplies from the South he must soon be without Men to support him and become a Sacrifice to General Clinton's Army. fine Prospect this to Lord George, but alas! where has it vanished or where did it exist but in his own Imagination? We are told the Dutch are determined to prosecute the War and disposed to be allied to these States.

[P. S.] Mrs. Jones, Joe and myself are but so so.

211. DANIEL OF ST. THOMAS JENIFER TO JOHN HALL.¹

PHILA. July 24th, 1781.

My Dear Sir,

. . . . We have had no late accounts from Europe. Attempts have been made by the Generals Clinton and Haldimand to reduce the people of Vermont and I fear not without some success; if we do not soon make them independant the British will endeavor to do it. Ned Rutledge, Middleton, and Gadsden with many others exchanged are dayly expected from Augustine. Our great Estate as you call it remains in the same situation as it did before the Confederation, indeed I think in a much worse. The adoption of that measure after holding out so long will I fear be productive of many ills, but not one good consequence to our State, nor do I believe that our Ally ever hinted to his Minister that the accession of Maryland was a desirable event to him. I wish our Troops were in motion for some place or other. They must distress the inhabitants near them. This moment I am informed that R H Lee has wrote to a Gent'n in Town that Cornwallis was Marching towards the Carolina's—I am not sorry for it. He must lose many of his men should this intelligence prove true.²

212. RICHARD POTTS TO SAMUEL HUGHES.¹

PHILADELPHIA July 24th, 1781.

My Dear Sir,

I have received your Letter by the Post, and by Return inclose you the last Papers for the Amusement of your Leisure Hours. They contain

[211]¹ William L. Clements Library, Clinton Papers.

² The first part of this letter is mainly a summary of news from South Carolina and Virginia. A letter of the same date to Charles Carroll, almost identical with this letter, is *ibid.*, as is also a letter of July 23 to Thomas Stone (presumably), likewise nearly the same in substance. A similar letter of July 24 to George Plater is in the *Royal Gazette*, Sept. 15, 1781. In the letter to Stone he observed: "The Delegates are still distressed for money. I wish you had sent me 20 or thirty pounds specie by the Alderman tho' God knows when I could have repaid it." To Carroll he remarked: "Your School fellow I believe is not the worst General the British have had in America. He never retreated."

In the *Royal Gazette* of Sept. 19 is a short letter, dated July 23, from Jenifer to "Mr. John Claivo, at Stepney near Annapolis", concerning domestic affairs.

[212]¹ William L. Clements Library, Clinton Papers (endorsed, "Copy Intercepted, Rich'd Potts to —"); *Royal Gazette*, Sept. 15, 1781, where the person addressed is named as Samuel Hughes.

the latest Advices and include every Occurrence worth Communicating. In them you will find the Capitulation entered into between the Garrison of Pensacola and the Spanish General. In this Capitulation the Interest of the united States seems to be entirely unattended to, and the Success of the Spaniards in its Consequences in that Instance will be more prejudicial to our Operations, than their failure would have been. The Garrison are arrived at New York and will make a Reinforcement of so many to the British Garrison. The Terms of Capitulation between Genl. Píkens and Col'l Lee, and the Garrison at Augusta are also in the Papers and present a striking Contrast to those granted by the Spaniards.²

Your Observations respecting Col'l Hall shall be attended to, and as I shall probably leave Philadelphia before any Thing on that Subject may be agitated, have communicated the Information to Messrs. Jenifer and Carroll. Without your Information he wou'd perhaps have suffered from the opinion taken up respecting his having retired on half Pay, which was the Light my Colleagues and myself, from Reports, thought he stood in.³

At this Time I wish and mean to leave this Place, in Time to call on you, on the Wednesday or Thursday of next Week, so as to reach Frederick on the Sunday following with you. As I possibly may be disappointed wou'd not have you wait for me after that Time. Give my best Compliments to Mrs. Hayhes [Hughes].

[P. S.]

213. ELIAS BOUDINOT TO JOHN STEVENS.¹

PHILAD. July 24, 1781.

Sir,

I sett off from home on the 18 Inst. and have just entered on my Mission. On Dr. Witherspoon shewing me the Vote of the joint Meeting, by which we were appointed, I was surprized to find that from the wording of it, Dr. Elmer and myself can have no Vote in Congress without one of the former Members are with us. I informed Dr. W. that I could not take my Seat under this Appointment and do Justice to my own Character and feelings, but he assuring me that it was a misprision of the Clerk, I have been prevailed on to Continue till your Answer on this Head can be had, and if possible a proper Certificate from the Secretary by your order.

A Line from you on this Subject will be very obliging.²

² Cf. nos. 207-209, *ante*.

³ The reference is apparently to Col. Josias Carvel Hall. His case does not appear to have been brought up in Congress.

[213]¹ Hist. Soc. of Pa., Boudinot Papers, II. 78; Library of Congress, Boudinot Papers (copy); Boudinot, *Life of Boudinot*, I. 220.

² See no. 223, *post*. Stevens was "Chairman of the Joint Meeting".

214. THE RHODE ISLAND DELEGATES TO THE GOVERNOR OF
RHODE ISLAND (WILLIAM GREENE).¹

PHILADELPHIA, 24th July, 1781.

Sir,

On Tuesday last Mr. Mowery arrived in Philadelphia and has taken his Seat in Congress accordingly. Congress have lately received, by the Way of France, a large Number of intercepted Letters from Lord George Germaine, etc., to Sir Henry Clinton, etc. In wch it appears that the British were full in their expectation of all the States Southward and Westward of the Hudson River being returned to their Allegiance before this Period. They expected that General Washington would be confined to the eastern States, and that Sir Henry Clinton would be able to detach a considerable Force to Nova Scotia to enable General McClain to reduce the Province of Main, and form an Establishment for the Tories, at and near Penobscot. Under these Circumstances they expected this Campaign would finish the War, and oblige America to Supplicate for Peace upon Terms of Submission. From this Apprehension the Court of London has refused the Mediation offered by the Court of Russia for reëstablishing Peace between Great Britain and Holland. By Accounts from Virginia, we learn that Lord Cornwallis has divided his Force, one part of which is going Southward, one part to New York, and the remainder will form a Post at Portsmouth.

Gen. Green has reduced Augusta, but raised the siege of Ninety-Six. We are informed that Admiral Digby has arrived at New-York with Five Sail of the Line, but are not certain. The Court of Versailles is determined to effect a Naval Superiority in these Seas in Course of the Campaign, and appear extremely anxious for the Safety of the United States.²

P. S.—It appears in one of Lord George Germaine's Letters, that Vermont were in the King's Allegiance. We hope this is not true; but shews the Necessity of terminating the Disputes respecting that Territory. Congress are now upon the Subject; but what will be the Result, we cannot ascertain.

215. SAMUEL LIVERMORE TO THE PRESIDENT OF NEW HAMPSHIRE
(MESHECH WEARE).¹

PHILADELPHIA July 24 1781.

Dear Sir,

I recd. yours of the 9th instant inclosing the resolve of Court concerning our bills exch'g etca. which I find require two months notice. In compliance with this resolve, I now notify that I shall draw for one hundred pounds lawfull mony to be paid in two months from the moment you receive this letter. This I take to be legal notice. So I must live on borrow-

[214]¹ R. I. Arch., Letters to the Governors, 1780-1781, p. 107; Staples, *R. I. in Cont. Cong.*, p. 348. The letter is signed by Mowry and Varnum.

² Cf. no. 222, *post*. With regard to Germain's intercepted letters see nos. 200, 202, *ante*.

[215]¹ N. H. Hist. Soc., Weare Papers, X. 14.

ing, or nobody knows how, for I have not 40 dollers clear at this time. I shall use frugality; and expect to render account: but I cant live here without considerable sums for clothing for myself and servant which the state must advance, let it be towards my pay. I have a son with me *not at* the expence of the state. I am glad of the papers from Vermont. That dispute is in agitation and I hope will soon be ended. York delegates not arrived. Your commissions are sent forward.²

[P. S.] Genl. Sullivan will be home I expect pretty soon. I am preparing a sett of journals for the state. I wish Mr. Gilman may set out immediately as it will be inconvenient for me to be here alone

216. THE PRESIDENT OF CONGRESS TO THE STATES FROM
NEW HAMPSHIRE TO NEW JERSEY.¹

PHILADELPHIA July 25th 1781.

Sir,

The United States in Congress Assembled are so fully convinced of the necessity of the most vigorous operations against the posts of New York and its dependencies, that they are induced to urge, in the most pressing manner, a prompt and decided compliance with the requisitions from the Commander in Chief, for men and supplies. We are sensible the demands must be extensive, and a full compliance with them appear difficult, but the objects of these Operations are so important in themselves, and so intimately connected with the pleasing Idea of re-establishing Peace, and of avoiding the calamities of preceding campaigns, that we assure ourselves every Obstacle will be surmounted, and the same Virtuous struggles which have hitherto supported the War, will speedily bring it to a glorious issue.²

217. THE PRESIDENT OF CONGRESS TO GEORGE WASHINGTON.¹

Sir,

I have the Honor to inclose your Excellency the Copy of a Letter from the Marquis de la Fayette to Major General Greene dated the 1st Instant, and also Copies of several Letters between General Lord Cornwallis and the Marquis respecting Prisoners²

² See nos. 192, 201, *ante*, 224, 225, *post*.

[216]¹ Copied from the original (to New Hampshire), then in possession of Mr. Stan. V. Henkels of Philadelphia; Henkels, *Catalogue*, no. 1139, item 223; *id.* to New York, *ibid.*, no. 1023, item 246; Mass. Arch., CCIII. 367.

² A draft of this letter is found in the *Journals*, p. 790 n. It was doubtless presented by the committee to whom the intercepted letters were referred July 16. The chairman of the committee was Varnum, and the draft is in his writing.

With a circular letter of the same date President McKean transmitted the acts of the 23d and 24th respecting aid for the distressed citizens of South Carolina and Georgia (Letter-Book, p. 47, and elsewhere; printed in *Arch. of Md.*, XLVII. 368; *Pa. Arch.*, first ser., IX. 399). The action had its origin in a motion of Theodorick Bland July 13. A report upon the motion was read July 18, considered the 21st and 23d.

[217]¹ Library of Congress, Washington Papers; *ibid.*, President's Letter-Book, p. 48; Hist. Soc. of Pa., McKean Papers, I. 66 (draft).

² The enclosures were: Lafayette to Cornwallis May 21, 25, 27, June 2, 20, to the President of Congress July 21, to General Greene July 21; Cornwallis to Lafayette May 26, June 4, 28. The letter referred to as from Lafayette to General Greene "dated the 1st Instant" was doubtless the letter of July 21 mentioned above. Copies of these letters are in the Washington Papers.

These Papers having been just now read in Congress, I send them on to your Excellency by Express, that you may have the earliest Information possible of the Situation of the British Army in Virginia. . . .

IN CONGRESS, July 26th, 1781.

218. THE PRESIDENT OF CONGRESS TO NATHANAEL GREENE.¹

PHILADA. July 26, 1781.

Sir,

It gives me a very singular Pleasure, that, in Obedience to an Act of Congress of the 25th Instant, a Copy of which you have inclosed, I am to acquaint you, that the Measures you have pursued for the Security of the Southern States, and for dispossessing the Enemy of the several Posts occupied by them afford such Proofs of your Judgment, Vigilance and Firmness as recommend you to the entire Approbation of Congress: and that Congress are equally sensible of the Zeal, Gallantry and Perseverance displayed by the Officers and Soldiers under your Command, in the various Services in which they have been employed, and the Difficulties with which they have contended.

If I may judge from what is past, the Southern Campaign will terminate with great Honor to yourself and Glory to your Country.

When the most virtuous Cause that ever a People was engaged in is conducted with consummate Prudence and Wisdom, supported by Fortitude and true Courage, and visibly favored by the Almighty, there are the surest Grounds to expect Success.

That you may give Peace, Liberty and Independence to the Southern States, whose Sufferings, Bravery and determined Conduct prove them to be entirely worthy of those Blessings; and that you may return crowned with Laurels, is the most ardent Prayer, of, Sir,

P. S. Your Favor of the 20th of June last was received and read in Congress on the 19th Instant.

219. THE BOARD OF WAR TO GEORGE WASHINGTON.¹

WAR OFFICE July 26, 1781.

Sir,

The Board have been honoured with your Excellencys letters of the 9, 17th [16th] and 21 Instant. We shall be always happy in promoting the Views of Congress and never more so than when we can contribute to your Relief and in some measure make your life agreeable under the fatigues and dangers to which you are unavoidably exposed.² . . .

The remainder of the Stores contained in the Estimates are ready, together with forty eight dozen of Red Wine and will go from this place immediately. Two dozen Silver Tumblers and two dozen Spoons are making and will be sent as soon as finished.

[218]¹ Library of Congress, President's Letter-Book, p. 49.

[219]¹ Library of Congress, Washington Papers.

² In the omitted passage the board state that the cash desired has been arranged for and that estimates of the other articles desired are enclosed. See no. 184, *ante*.

A Person to act as Steward or Caterer in your family will be procured and sent to you if a proper person can be found that will undertake that Business, as much depends on such a person and a responsibility in the Procurers we dare not promise to send one immediately but can assure you nothing shall be wanting on our part.

220. THE PENNSYLVANIA DELEGATES TO THE PRESIDENT OF
PENNSYLVANIA (JOSEPH REED).¹

The Delegates of Pennsylvania in Congress present their Compliments to his Excellency the President and Council, and inform them that they have considered their favour of the 23d Inst., and are of the Opinion that the present is not the most proper Time to prefer the Petition therein alluded to.²

IN CONGRESS, July 26, 1781.

221. WILLIAM SHARPE TO THE GOVERNOR OF NORTH CAROLINA
(THOMAS BURKE).¹

PHILADELPHIA, July 28, 1781.

Sir,

Mr. Johnston, who left this place on the 14th instant will communicate to your Excellency everything material from this quarter on his arrival in the state.

I greatly lament the absence of so able a representative and of so judicious and very agreeable colleague. Upon the resignation of Mr. Huntington he was almost unanimously elected and earnestly solicited to take the chair; but his ill state of health and other considerations induced him to decline it.²

The most particular object which rendered it necessary for me to continue here a few weeks longer was to procure and forward arms to our state agreeable to a resolution of Congress which we obtained for that purpose on the 26 of April, a copy of which I do myself the honor

[220]¹ *Pa. Arch.*, first ser., IX. 307.

² The following is Reed's letter (*ibid.*, p. 306): "Agreeable to the Resolution of Assembly we have prepared a Petition to Congress requesting a Hearing upon the Claim set up by Connecticut for the Susquehanna Lands agreeable to the Articles of Confederation. But as we would not embarrass Congress or take up their Time with a disagreeable Discussion at an improper Season, we shall be glad of your Opinion whether it will at this Juncture be seasonable and proper."

[221]¹ Haverford College, Roberts Coll., 722.

² See the *Journals*, July 6, 9, 10; cf. no. 190, *ante*; also Ashe, *Hist. of N. C.*, I. 713. Johnston himself wrote to Governor Burke from "N. Hampton County" July 30:

"Having no prospect of being relieved or supplied with money for my expenses and my disorder, which abated a little on the first approach of warm weather, returning so as to render me of little use in Congress I left Philadelphia on the 14th, for which I hope I shall be held excusable by this State. . . . I write to you in great haste and my Spirits greatly agitated by having just heard of the loss of my youngest son, as sweet a little fellow as ever was born" (*N. C. State Recs.*, XV. 588). Aug. 6 he again wrote to Governor Burke: "I . . . do not now recollect whether I mentioned to you the necessity of sending on as soon as possible Two Delegates to Congress. One will answer no useful purpose as Mr. Sharpe has resolved . . . to return Home." *Ibid.*, XXII. 554.

to enclose. The enemy being in force in Virginia made it necessary that the arms first repaired should be sent there. The want of money and the deranged condition of the laboratories are the causes of this business going on so slow. Fifteen hundred stand are all that we can get at present. Five hundred are now ready; it may be three or four weeks before the remainder are finished. On application I have obtained an order for 1500 cartouch boxes and a sufficient quantity of fixed amunition. The arms are equal to any in the army, with good bayonets. The next great difficulty is for the quarter-master to procure waggons for the transportation. I shall spare no pains nor leave anything in my power unessayed to have them forwarded without loss of time.

The Superintendent of finance and the board of war have such difficulties in the dispensation of our small fund of money, that without my close attention the state will never receive one of the necessary articles. Tho your delegates here have not received any explicit instructions on this subject, yet I flatter myself that our conduct will meet with the entire approbation of your Excellency and the legislature.³ . . .

222. WILLIAM SHARPE TO NATHANAEL GREENE.¹

PHILADELPHIA July 28, 1781.

Dear General,

I hope you will see Governor Rutledge an[d] Colo. Few who will be able to give you a minute account of the public affairs here and in Europe.

Copies of the most conspicuous letters from Lord George Germaine to Sir Henry Clinton intercepted and sent here by way of France were sent you by Colo. Few which I hope you will duly receive. Colo. Laurens last letter from France gives a prospect of some farther pecuniary aid and that the Minister of Marine will, if possible, establish a naval superiority on the american seas before the close of this campaign.²

The seperate offer of mediation made by the court of Petersburg between the States general and England hath been deferred by the latter until conferences shall open the subject of a general pacification. This event cannot be unfavorable to us, and no doubt was dictated by the same views and principles which is manifested in Germains letters.

There is nothing material from the main army nor from the West Indias.

If you have obliged the enemy to abandon their post at ninety six, as is reported, it will be gaining a very great point. The fatague [*sic*] that you and your little army undergo pain me to the heart. May you live to enjoy the fruit of your labor.

With the highest respect and esteem I am my dear Genl.

Your most Obt. Humble Servt.

WM. SHARPE.

³ Burke was elected governor of North Carolina by the general assembly June 25. See *N. C. State Recs.*, XVII. 806-814, 888-899.

[222]¹ William L. Clements Library, Greene Papers.

² The reference appears to be to John Laurens's letter of May 15 (Wharton, *Rev. Dipl. Corr.*, IV. 416). The extracts of letters from Germain were sent by Laurens Apr. 9 (see no. 200, *ante*). Cf. Madison to Pendleton July 31, in *Writings*, I. 147, and to James Madison, sr., Aug. 1, *ibid.*, p. 148. A letter from the Virginia delegates to Governor Nelson July 31 is in Haverford College, Roberts Coll., 738.

223. ELIAS BOUDINOT TO PETER WILSON.¹

PHILADELPHIA July 28th 1781.

Sir,

I think it my duty as well as an honor to have the Pleasure of addressing you on my taking a Seat in Congress as one of your Delegates, and shall be very glad of a continued Correspondence while at this Place, as I should be always glad to Conform myself to the general Ideas of my Constituents. I set off for this Place on the 18th Inst but was much surprised on my arrival here to find that by the Resolution of the Joint Meeting Appointing Dr. Elmore and myself, that we are restricted from representing the State of New Jersey unless one of the former Delegates are present. This we consider as making an invidious Distinction between us and could not have taken our Seats under this partial Appointment, consistent with our reputation and feelings had not Dr. Witherspoon assured us that it must be a base misprision of the Clerk. this has prevailed on me to continue here till we can hear from you, which I must beg to be by return of the next Stage. I would be glad of your information what appeared to you to be the Sense of the Legislature, for tho' Congress make no Objection to our representing the State, yet it will not be safe or prudent for us to vote alone under the express Declaration of the State to the Contrary unless we are properly assured that it is a Mistake.²

As this goes by the Stage, which is an uncertain Conveyance, I can say nothing in point of News but what may be made publick with safety.³ Our affairs both abroad and to the Southward, bear the most flattering Aspects, and we are encouraged to hope and expect the happiest Consequences from the continued struggles of the year. It is a matter of the highest Consequence, that the requisitions of our worthy General on the different States be punctually and immediately Complied with. You could not do a more essential Service to these States than to urge completion of the levies for the Army. Lord Cornwallis has retired to Portsmouth and the Marquis after gaining great Laurels in his late attack on his Lordship is refreshing his little Army so as at the same time to cover the Country. Could you with propriety communicate what you consider as the Ideas of our Legislature, relative to the dispute of Vermont and the expediency of their being declared a free and Independent State, I should be much obliged.⁴

[223]¹ Hist. Soc. of Pa., Boudinot Papers, II. 79; Library of Congress, Boudinot Papers (copy); Boudinot, *Life of Boudinot*, I. 221.

² July 24 Boudinot had written to John Stevens, chairman of the Joint Meeting, to the same effect, though more briefly (no. 213, *ante*).

³ In a letter to Mrs. Boudinot July 29 (*Life*, I. 223) he tells how the city is filled with refugees from Georgia and South Carolina, his difficulties in finding suitable lodgings, etc.

⁴ See nos. 192, 201, *ante*, 224, 225, *post*.

224. ROGER SHERMAN TO JOSIAH BARTLETT.¹

PHILADELPHIA July 31, 1781.

Sir,

Enclosed is a copy of an Act of the General Court of the Massachusetts, respecting the State of Vermont,² the Matter has been debated for several days past in Congress, on a report of a Committee, to whom was referred a Letter from the President of your State. The Committee reported as their opinion, "that copies of the act of Massachusetts be sent to the States of New Hampshire and New York, and that the expediency of passing similar acts be referred to them. And in case they relinquish their claims of Jurisdiction over the Grants on the west side of Connecticut River, Bounded East by said River, North by Latitude forty five Degrees, West by lake Champlain and the west lines of several Townships Granted by the Governor of New Hampshire, to the North west corner of Massachusetts, and South by the north line of Massachusetts, Congress will guaranty the Land and Jurisdiction belonging to the said States respectively, lying without the said limits, against all claims and Encroachments of the people within those limits.[""] What will be ultimately done in Congress is uncertain. Some Gentlemen are for declaring Vermont an Independent State, others, for explicitly recommending to the States aforesaid to relinquish their claims of Jurisdiction, others, only for referring it to their consideration as reported by the Committee, and some few are against doing any thing that will tend to make a new State. . . .

P. S. Since writing the foregoing Congress have recommitted the report. New York delagates arrived to day. They are instructed to move for a decision of the affair of Vermont.³

225. EZRA L'HOMMEDIEU TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

PHILADELPHIA, July 31 1781.

Sir,

I have been at this Place so short a time, that I am unable to inform you of many of the special Matters of Public Concernment now before Congress. The Arrangement of the different Boards, a further proposed Confederation, and the settlement of the dispute with Vermont seem to be the Principal objects talked of; the last more especially, which Congress have had under Consideration for some time before our arrival. Some intercepted letters from Lord G. Germane on this subject, and the solicitations of New Hampshire, tis said induced them to take up this business

[224]¹ Hist. Soc. of Pa., Dreer Coll.; Mass. Hist. Soc., C 81 B 43 (draft); *Hist. Magazine*, VI. 277; *Vt. Recs.*, III. 293.

² The Massachusetts act, Mar. 8, 1781, is *ibid.*, II. 199.

³ The report referred to, presented by a committee appointed July 9, is in the *Journals*, July 20. The report was taken into consideration July 24, 28, and 31, and on the day last mentioned was referred to a new committee. This second committee's report is in the *Journals*, Aug. 2. See further *ibid.*, Aug. 3, 7, 8, 14, 16, 17, 20, 21, Dec. 5, 6; cf. nos. 192, 201, *ante*, 225, 235-239, 244, *post*.

[225]¹ *Clinton Papers*, VII. 149; *Vt. Hist. Soc., Collections*, II. 148.

without a Representation from New York. The plan is, which is a Report of a Committee, to recommend it to New York and New Hampshire, to relinquish their jurisdiction or to consult on the Propriety of doing it, to the State of Vermont, according to her former claims, the Massachusetts having already passed a Law for that purpose provided the other States would do the same. This report being the order of this Day, was recommitted. This plan probably might in some degree exculpate Congress from blame, and they might with better Grace refer the sufferers to the State, who had voluntarily relinquished their jurisdiction, for Compensation for their Lands; tis said a Person from our State lately informed some members of Congress that a Majority of the Assembly and a greater Part of the Senate were in favour of granting their Independence. Possibly this might have some effect.² The Committee to whom was referred our Remonstrance against the Commissions from Connecticut and the late ordinance of Congress have not yet Reported, tho they have promised me it shall be done to-morrow, and I make no doubt it will be favorable. The instructions from the Admiralty I am told is pointed against going on the Land and confines all Captures to the Water, which will be publicly made known.³

226. OLIVER ELLSWORTH TO THE GOVERNOR OF CONNECTICUT
(JONATHAN TRUMBULL).¹

PHILADELPHIA, Aug. 1st, 1781.

Sir,

My health being reduced so low as not to admit of my constant attendance in Congress, and the scituation of my family and affairs making it necessary for me soon to return home, I propose, Sir, to return the beginning of autumn, which, I hope, your Excellency will not disapprove of. I have wrote to Mr. Law, who I supposed would come next to Congress, acquainting with my circumstances, and requesting him to come forward and take his seat in Congress by the 1st of Septr., or sooner if he could. And I take the liberty to request of your Excellency, in case Mr. Law should by any means fail of coming, that some other gentleman in the delegation as shall be most convenient for them may be called on.

Nothing very material has of late passed in Congress. There is at present a representation from all the States except North Carolina. . . .

227. THE PRESIDENT OF CONGRESS TO GEORGE WASHINGTON.¹

Sir,

. . . . A Member of a Committee of Congress, one of the Board of War and the Superintendant of Finance purpose to wait on your Excellency in a few Days at Head Quarters in order to fix upon the Arrange-

² See no. 224, *ante*.

³ See the *Journals*, July 6, 13, Aug. 7, and nos. 239, 251, 260, 281, 282, 303, 304, *post*.

[226]¹ Mass. Hist. Soc., *Collections*, seventh ser., III, 258.

[227]¹ Library of Congress, Washington Papers; *ibid.*, President's Letter-Book, p. 51; Hist. Soc. of Pa., McKean Papers, I. 69 (draft).

ment of the Army for the next Year etc.² This will at least discover to our Enemies, that we are determined to persevere in well doing, and to be prepared for any Event, and the Measure having been adopted earlier than at any Period of the War heretofore has a favorable Aspect. . . .

PHILADELPHIA August 3, 1781

228. THE NEW YORK DELEGATES, MEMORIAL TO CONGRESS.¹

[August 3, 1781.]

To the United States of America in Congress Assembled:

The underwritten Delegates for the State of New York have the Honour, in Obedience to an express Instruction from the Legislature of the State of New York to represent, that on the 24th Day of September 1779 it was unanimously resolved by Congress, that it be most earnestly recommended to the States of New Hampshire Massachusetts and New York (among other Things) forthwith to pass Laws to refer to the Decision of Congress all Differences and Disputes relative to Jurisdiction over the District called the New Hampshire Grants which they respectively had with the People of that District so that Congress might proceed thereon on the first Day of February then next. And Congress did thereby pledge their Faith to carry into Execution, and support their decision and Determination in the premises.

That Congress having declared it to be essential to the Interests of the whole Confederacy, that all intestine Dissentions be carefully avoided, and domestick Peace and good Order maintained, it was further unanimously Resolved that it was the Duty of the People of the District aforesaid who denied the Jurisdiction of all the aforesaid States to abstain in the mean Time from exercising any Power over any of the Inhabitants of the said District, who profess themselves to be Citizens of, or to owe Allegiance to any or either of the said States; but that none of the Towns either on the East or West Side of Connecticut River were to be considered as included within the said District but such as had theretofore joined in denying the Jurisdiction of either of the said States, and had assumed a separate Jurisdiction which they calld the state of Vermont; and further that in the Opinion of Congress the three states aforesaid ought in the mean Time to suspend executing their Laws over any of the Inhabitants of the said District, except such of them as professed Allegiance to, and confessed the Jurisdiction of the same respectively; and further that Con-

² See the *Journals*, July 26, 31. The act of July 26 was the appointment of a committee of conference (Carroll, Bland, and Varnum), and it was on the recommendation of this committee July 31 that a member of the board of war and the superintendent of finance were joined with the committee. See nos. 232, 247, 265, 271, 395, 403, *post*. Following is a minute of the board of war of this date (*Washington Papers*):

"At a Board of War August 3d, 1781.

"A Member of the Board being directed to repair to Head Quarters to confer with the Commander in Chief, Agreed, That Mr. Peters be the Member appointed to proceed to Head Quarters, agreeable to the directions of Congress. Extract from the Minutes. Jos: CARLETON, Secy."

[228]¹ Library of Congress, Papers Cont. Cong., no. 40, vol. II., f. 37; N. Y. State Lib., Legislative Papers, no. 2430 (copy); British Museum, 21835:96; *Clinton Papers*, VII. 164; *Vt. Recs.*, II. 312.

gress would consider any Violencies committed against the Tenor, true Intent and Meaning of that Resolution, as a brea[c]h of the Peace of the Confederacy which they were determined to keep and maintain. And it is further Resolved unanimously that in the Opinion of Congress no unappropriated Lands or Estates which were or might be adjudged forfeited or Confiscated lying in the said District ought, until the final Decision of Congress in the Premises to be granted or sold.

That in Pursuance of the said Recommendation the Legislature of the state of New York passed a Law fully authorising Congress (among other Things) to hear and determine all Differences and Disputes relative to the Jurisdiction between the State of New York and such of the Inhabitants of that Part of the said District which lies on the west side of Connecticut River as denied the Jurisdiction of that State, and that the said Decision being duly made and published should be and remain final and conclusive against that state forever.

That in Conformity to the said Resolution and Law and at great Expense, the state of New York made the necessary Preparations for supporting their territorial Rights, and similar Steps were taken on the Part of the State of New Hampshire.

That on the 19th Day of September 1780, all the Parties concerned in the said Controversy (Massachusetts Bay excepted) attended namely the Delegates and Agents for the States of New York and New Hampshire respectively; Ira Allen and Stephen Bradley in Behalf of the People of the Grants claiming a seperate and Independant Jurisdiction, Luke Knowlton Agent on behalf of a Number of Towns within that Part of the said District known by the Name of the County of Cumberland, and Peter Alcott—and Bazaleel Woodward agent[s] for the Towns in the Northern Parts of the said District on both sides of the Connecticut River and the Delegates as agents for the state of New York laid before Congress Evidence with an intent to prove that the District known by the Name of the New Hampshire Grants on the west side of Connecticut River is within the Limits of the State of New York; That the state of New Hampshire had acknowledged this, and that the People of the said District had been represented in the Legislature of New York since the Year 1764, and submitted to the Authority Jurisdiction and Government of the Congress and Convention of the said State 'till late in the Year 1777 and therefore have no Right to a seperate and Independant Jurisdiction: That on the 27th Day of the said Month of September all the Parties being present except Messrs. Allen and Bradley Agents for the People of the Grants claiming a seperate and independant Jurisdiction, who altho' duly notified now declined any further Attendance; the agents for the state of New Hampshire proceeded to offer Evidence tending to prove, that the Tract of Country known by the Name of the New Hampshire Grants, was within the state of New Hampshire, and that therefore the People Inhabiting the said Tract of Country can have no Right to a seperate and Independant Jurisdiction. That Luke Knowlton Agent on behalf of part of the County of Cumberland within the said District, and Peter Olcott and Basaleel Woodward Agents from the Towns in the Northern Parts of the New Hampshire Grants on both

sides of Connecticut River being respectively called upon, and having nothing to add, and pressing Congress to come to a Determination withdrew.

That the Delegates of the state of New York have repeatedly entreated Congress to decide the Matters in Question respecting the Claim of an independant State, set up by some of the Inhabitants of the District aforesaid, but a Decision hath hitherto been defered. The underwritten Delegates are further instructed to represent that the state of New York in compliance with the Resolutions of Congress before recited, have hitherto suspended the Execution of their laws over any Inhabitants of the said District except such as professed Allegiance to and confessed the Jurisdiction of the same and have refrained from granting any Lands within the said District. The Inhabitants who deny our Jurisdiction on the Contrary have strengthen'd their Party by disposing of those Lands and exercised Force to compel their Neighbours within the said District who profess themselves to be Citicens of and to owe Allegiance to the state of New York to submit to their Authority; And in Violation of the express Resolutions of Congress have passed Acts to include within their Assumed Jurisdiction several Considerable Settlements extending Westward from the Claim they set up, at the Time of passing the said Resolution, to the middle of Hudson's River. That these high-handed Incroachments have greatly interrupted the raising of Levies and Supplies within the State of New York for the support of the War; and must be productive of further Weakness and Disorder and render the said State, already greatly exhausted and desolated, altogether unable to contribute to the common Cause.

From these weighty Considerations the underwritten are expressly instructed by the Legislature of the State of New York to urge Congress agreeably to their said Resolutions and Engagements to decide the Controversy so long subsisting, respecting the Claim of independant Jurisdiction set up under the pretended State of Vermont: and to take Measures in the mean Time for restraining the Incroachments of the said Inhabitants, at least, within the Bounds which they themselves have till the late extraordinary extention considered represented and Claimed as comprehending the New Hampshire Grants. The underwritten do therefore by this publick Act, which they pray may be received and filed among the Records of the United States, make known the just Expectations and earnest Request of the Legislature of the State of New York: declaring their readiness to lay before such of the Members of Congress as may be uninformed, satisfactory Evidence of the Title of New York to all that Part of the Controverted District which lies on the west side of Connecticut River.

Done at Philadelphia in Obedience to the express Instruction of the Legislature of the State of New York the 3d Day of August 1781 and in the Sixth Year of our Independance.

(Signed) JAS. DUANE
EZRA L'HOMMEDIEU

Delegates for the State of New York
and Agents in the Controversy refered to.²

² See the *Journals*, Aug. 3, and no. 235, *post*.

229. JOSEPH JONES TO GEORGE WASHINGTON.¹

D'r S'r,

I have received your favour of the 2d inst. with the inclosures, and shall take proper care of them.

Mr. Morris setting out for Head quarters in the morning I embrace the opportunity to acknowledge the receipt of yours of the 10th ult: and to thank you for the Copies of the intercepted Letters, the originals were transmitted us by Dr. Franklin—these shew the continued delusion and folly of the British Ministry, now rendered more conspicuous by our late successes.²

. . . . The Dons seem to play the game wholly for themselves. . . . We are told Holland is disposed to an alliance with these States, it may be so, but I fear she has a remnant of Spanish indolence and inactivity that requires heating before she will rouse to vigorous action, for as yet I discover but feeble efforts. Let us look at Home where matters are more pleasing from the successes of the present Campaign and if we pursue our advantage [it] will place us in a respectable situation before the Negotiators at the Congress when they convene and if you shall be able to push the point at N. Y. and be ultimately crowned with success, I shall be very indifferent abt. Spanish or Dutch alliances especially the first; as I confess I do not relish their behavior to us on more occasions than one, but enough of this. We have had much debate abt. Vermont—nothing yet determined, but *think* it will terminate in appointing persons to settle with them the terms of their admission into the Union. . . .

PHILA: 5th Augt. 1781.

230. THE PRESIDENT OF CONGRESS TO THE PRESIDENT OF PENNSYLVANIA (JOSEPH REED).¹

PHILADA. August 7, 1781.

Sir,

Your Excellency will receive inclosed herewith copies of divers letters announcing the motions of Lord Cornwallis's Army to be for Baltimore or the head of Chesapeake. These Letters came to hand yesterday, and the General and the President of Delaware are both furnished with copies. The Enemy, I suspect from the intercepted letter of Lord G. Germaine to Sir Henry Clinton of the 7th febr'y last, have still some hopes of being joined by the Tories and Traitors of Pennsylvania, Delaware and Maryland; but I flatter myself they will now find but few of this description.²

231. THE PRESIDENT OF CONGRESS TO GEORGE WASHINGTON.¹

Sir,

I was yesterday honored with your Letter of the 2d Instant, and communicated it with the Inclosures immediately to Congress.

[229]¹ Library of Congress, Washington Papers; *Letters of Joseph Jones*, p. 85.

² Washington's letters to Jones Aug. 2 and 10 have not been found. With regard to the intercepted letters see no. 200, *ante*.

[230]¹ Library of Congress, President's Letter-Book, p. 55.

² "N. B. A similar letter to President Rodney" (note to original). See no. 231, *post*.

[231]¹ Library of Congress, Washington Papers; *ibid.*, President's Letter-Book, p. 54; Hist. Soc. of Pa., McKean Papers, I. 71 (draft).

Re-iterated Complaints from our unfortunate Prisoners at New-York, whose Treatment is cruel beyond Description and their Situation really deplorable, gave Rise to the Act of Congress of the 3d Instant, a Copy of which is inclosed herewith. How their Distresses will be alleviated is difficult to tell: Humanity to the Enemy Prisoners seems to be no longer a Virtue; Retaliation through the Medium of the Simsbury Mines,² may possibly awaken them to a Sense of Duty.

By the last Accounts from Maryland, the Fleet with Lord Cornwallis amounting to near forty Sail, and having on Board (it is supposed) near three thousand Troops, had proceeded on the 1st Instant from Hampton Road towards Anapolis: His Lordship himself was said to remain at Portsmouth, and two Men of War and eight Transports in Hampton Road. Governor Lee had on Saturday last six hundred Regulars at Annapolis, and was collecting the Militia; he appears to be in good Spirits. This Intelligence has been sent to the Presidents of Delaware and Pennsylvania.³ Can this Manoeuvre be to draw the Marquis's Forces on this Side James River, in Order to facilitate the March of the Horse to South Carolina; or is it for the Purpose of collecting Provisions and Forage before they proceed for New York; or can they flatter themselves with Conquest thro' any Assistance promised by the disaffected near the Head of the Bay, which Lord George Germaine alludes to in his Letter of the 7th of Feby. last to Sir Henry Clinton: If the latter was expected, or even the Recovery of their Prisoners at Lancaster or York-town, I should suppose Lord Cornwallis would have acted in Person.⁴ As soon as any thing more is known respecting this Movement I shall inform your Excellency of it.

PHILADELPHIA August 7th, 1781.

232. A COMMITTEE OF CONGRESS TO GEORGE WASHINGTON.¹

PHILADELPHIA Augt. 7th, 1781.

Sir,

When the important objects, which engage yr. Excellencys attention, will permit you to consider the enclos'd resolve of Congress, the Committee will be glad to receive your opinion, and Sentiments, on the Subject of it.²

² The copper mines at Simsbury, Conn. Mar. 23 Congress had ordered the officers of the Convention troops to be removed to Simsbury and "stationed there or at such other place, as the Executive of that State shall think proper within the said State". See no. 41, *ante*. A memorial of the town of Branford to Governor Trumbull June 25, 1782, proposing methods of disposing of a certain class of offenders, declared that "if it ware in the dreary abodes in Symsbury we shall chearfully acquies". Mass. Hist. Soc., *Collections*, seventh ser., III. 362.

³ The intelligence came through a letter of Aug. 4 from Governor Lee of Maryland, read in Congress Aug. 6. Cf. no. 230, *ante*.

⁴ Concerning the intercepted letters see no. 200, *ante*. Aug. 1 a motion to appoint a committee to inquire into the facts (relative to Vermont) mentioned in Germain's letter of Feb. 7 to Sir Henry Clinton was rejected. See the *Journals*, Aug. 7, and nos. 235, 237, 239, *post*.

[232]¹ Library of Congress, Washington Papers (signed by Daniel Carroll, "Chairman of the Committee").

² The resolve was probably that of July 26 creating the committee of conference. A copy of that resolve in Carroll's writing is in the Washington Papers. See no. 227, *ante*, no. 247, *post*.

233. THE GEORGIA DELEGATES TO GEORGE WASHINGTON.¹

PHILADELPHIA, 7 August, 1781.

Sir,

By the journals of Congress we perceive, that an application to Congress, from the Executive of the state which we have the honor to represent, respecting the Exchange of General Elbert, was transmitted to you in february last year, in the course of which the Delegates of the state repeated the application, and were honored with your answer. The late Cartel established in the southern Department, including all Militia captured by either side, prior to a certain day, has given us ground for supposing that he is now liberated from his parole. He was a Brigadier of the Militia, and acting as such, when he was taken; he was esteemed and held as such by the Enemy; and he signed all official papers, during his confinement, in that character.² We understand that Major Hyrne,³ the Commissioner on the part of the United States, considers him included: but we would wish to have your Excellency's sentiments upon the subject.

We will farther mention, that the case of Governor Wright was lately taken up in Congress, with a view of exchanging him for General Elbert; but upon the prospect of a general Cartel taking place, it was not prosecuted. It is possible that this case might have had some influence in bringing about a general Exchange.⁴ . . .

234. THE VIRGINIA DELEGATES TO THE GOVERNOR OF VIRGINIA
(THOMAS NELSON).¹

Sir,

. . . . The repeal of the resolutions permitting the trafic of Bermuda with these States was the consequence of mature deliberation, and to prevent those abuses which had crept in under the indulgence, and would have been dishonorable in the States any longer to countenance. perhaps the peculiar situation of our State may, as was lately done in favor of South Carolina, induce Congress to grant passes for a few Vessells for the importation of Salt only. we shall endeavour to obtain this permission for the State and if we are successful will loose no time in transmitting the Pasports of yr. Excellency.² . . .

PHILA. 7th Augt. 1781.

[233]¹ Library of Congress, Washington Papers (signed by Walton and Howly).

² The resolve relative to Col. Samuel Elbert, who was also brigadier-general of Georgia militia, was passed Feb. 11, 1780, and transmitted to Washington by the President in a letter of Feb. 12, to which Washington replied Feb. 23.

³ Maj. Edmund Hyrne, aide-de-camp to General Greene.

⁴ The *Journals* contain no mention of this matter. Washington's reply to this letter, Aug. 13, is in the Washington Papers (draft).

[234]¹ Collection of the late D. McN. Stauffer of Yonkers, N. Y. The letter is signed by Jones, Madison, Bland, and Randolph.

² Governor Nelson wrote to the delegates July 26: "The more I reflect on the Resolve of Congress respecting the Bermudians the greater my concern is, well knowing that from them we had the only prospect of supplying this state with the necessary article of salt" (*Official Letters*, III. 12). See the *Journals*, Mar. 16 (motion of Madison), 26, 27 (ordinance relative to the capture and condemnation of prizes); cf. no. 43, *ante*, nos. 248, 256, 257, 262, 266, *post*. The Bermudian question had evidently been stirred to some extent in the preceding autumn. See vol. V., no. 550. For some account of an earlier stage of the problem (1779) see vol. IV., pp. 164, 175, 181, 195, 200, 218.

235. THE NEW YORK DELEGATES TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

PHILADELPHIA 7th Augst. 1781.

Dear Sir,

When we arrived here we found the Business of Vermont in a manner settled. A final Decision has been suspended in point of form in expectation of our Presence and we believe even of our Assent to the Recognition of the New State. All that passed last Winter at Albany had preceeded us, and made the Impression which may naturally be supposed. we therefore found it necessary to cut off all Enquiries doubts and Expectations by communicating our Instructions which we did in the most solemn form by the Act of which we have the Honour to inclose your Excellency a Copy.² There are several Drafts on the Table for settling the Business each specifying or implying the Independance of Vermont. from the inclosed Paper containing Lord G Germain's Letter to General Sir Henry Clinton your Excellency will perceive the Progress some of the leading Men in that District have already made in a Coalition with the Enemy: and the Danger of their extending their Encroachments and spreading Disaffection to our Cause. Those who were formerly most averse to a Decision are now active to promote it: but the Time is come when they can place their Principles on some Ground, and oppose Expediency and publick safety to Justice and Right.³ . . .

236. JOHN SULLIVAN TO THE PRESIDENT OF NEW HAMPSHIRE
(MESHECH WEARE).¹

PHILADELPHIA Augt. 7th, 1781.

Sir,

The affair of Vermont has been in agitation a Long time nothing as yet determined on but I am Convinced the Result will be a recognition of its Independance Limiting it by the West Bank of Connecticut River. A Committee will be appointed to Settle the Terms upon which they may be received. A Report of this kind is now on the Table and will be considered in two or three Days.² after it is determined I shall set out for Home as I have formerly notified you. I am sorry to inform you that in order to pay off my arrears and defray Expences Home I shall be in want of a hundred pounds Lawful money and not being able to Sell a Bill at two months Sight have been compelled to Sell one at ten Days Sight, which should not have done had it been possible to Avoid it. If any Difficulty should Arise I hope to be at Home before the time of payment Arrives to prevent any injurious Consequences

[235]¹ N. Y. State Lib., Clinton Papers, no. 3878 (in Duane's writing, signed by Duane and L'Hommedieu); *ibid.*, Legislative Papers, no. 2431 (in L'Hommedieu's writing); *Clinton Papers*, VII. 174.

² The memorial is no. 228, *ante*.

³ See the *Journals*, July 20, 30, Aug. 1-3, 7, 8, and nos. 224, 225, *ante*, 236-239, *post*. President McKean's letter, Aug. 8, transmitting the act respecting the New Hampshire Grants, together with other acts of Aug. 7, is in *Clinton Papers*, VII. 176. Clinton's reply, Aug. 25, is *ibid.*, p. 254.

[236]¹ N. H. Hist. Soc., Weare Papers, X. 26.

² See the *Journals*, Aug. 7, 8; also no. 235, *ante*, nos. 237-239, 244, *post*.

237. SAMUEL LIVERMORE TO THE PRESIDENT OF NEW HAMPSHIRE
(MESHECH WEARE).¹

PHILADELPHIA August 7, 1781.

Dear Sir,

. . . . We have been long disputing abt. Vermont—nothing is decided. However the event will be, as I conjecture, to make the grants *west* of the river independent. The main point now is how to quiet the remainder. Congress is vastly changed since I was here in Feb. 1780. And I have been told in congress, when insisting to have the grants wholly annexed to Newhampshire, that I did not speak the wish or voice of my state. My business now is if possible to secure the grants east of the river. We shall proceed in the business I suppose today and tomorrow genl. Sullivan sets out for Newhampshire by whom you will be more fully informed.² If this business should end before November, as I hope it will, my wish is to be then relieved. It would be tedious for me to return 18th Jany. the time my appointment expires, and as tedious for the delegate that should be chosen to relieve me. I shall draw on you for £100 consistent with my letter of the 24th of July which gave you 2 months notice. Genl. Sullivan will bring you a set of *Journals*. . . .

I should be glad of your sentiment on the subject of returning home in the fall, for altho I most ardently long to leave this expensive sultry place I mean to be governed by the pleasure of the court.

238. ROGER SHERMAN TO THE GOVERNOR OF CONNECTICUT
(JONATHAN TRUMBULL).¹

PHILADELPHIA, August 7th, 1781.

Sir,

A resolution has this day been passed by Congress for appointing a Committee of five to confer with such person or persons as shall be appointed by the people inhabiting the N. Ham[p]shire grants, on the west side of Connecticut River, respecting their claim to be an independent State, and on what terms they may be admitted into the federal union of these States, in case the United States in Congress assembled shall determine to recognize their independence, and a recommendation to the people of Vermont to send agents to Philadelphia, authorized and instructed to confer with said Committee on the matters aforesaid, and to agree to, and ratify terms and articles of union.² Nothing very material of a public nature except the common executive business has passed since the joynt letter from the delegates. Our affairs at the Southward are as prosperous as can be expected; Ninety Six is evacuated by the enemy. I enclose this day's paper. I shall soon be destitute of money. I hope some will be sent by the first safe opportunity.

[237]¹ N. H. Hist. Soc., Weare Papers, X. 29.

² See nos. 235, 236, *ante*, 238, 239, 244, *post*.

[238]¹ Mass. Hist. Soc., *Collections*, seventh ser., III. 261.

² See nos. 235, 237, *ante*, no. 239, *post*.

239. THE NEW YORK DELEGATES TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

PHILADELPHIA 9th August 1781.

Dear Sir,

We had the Honour of addressing your Excellency by the last Post. You will observe by the enclosed Act that it is in Effect decided to recognize the Independance claimed by the people of the Grants. Nothing remains in our Apprehension but the Formalities unless they should refuse to go back to their first Limits; or to subscribe to the Confederacy. We shall endeavour to get our remaining territorial Rights expressly guaranteed by a precise Description agreeably to the Terms of Cession heretofore executed under our Act of Legislature. The Sacrifice of Jurisdiction which we suffer under an Opinion that it is necessary for the general Tranquillity and Safety will be an Inducement with many to gratify us, We hope with a Majority.²

Congress have readily come into your Excellencys Ideas respecting the Depredations of our neighbours on Long Island. We enclose their Act on this Subject and flatter ourselves that it will prove efficacious.³

240. THE NEW YORK DELEGATES TO UDNY HAY.¹

PHILAD. 9 Augt. 1781.

Sir,

Your dispatches on the Subject of the Forage in Westchester County were received and immediately communicated to Congress. They had been preceded by the Quarter Master General's Representation by only a day or two. The whole are referred to a special Committee of Congress; and we shall not fail to urge a speedy decision.²

We have an *instruction* from the legislature on the subject of your Accounts: and beg to know in what Situation they remain and to be informed of any plan you may have proposed for the Settlement of the

[239]¹ N. Y. Hist. Soc., Duane Papers, V. 341 (draft, in the writing of Duane and bearing the initials of Duane and L'Hommedieu); N. Y. State Lib., Legislative Papers, no. 2432 (copy); Harvard Univ. Lib., Sparks MSS., XII. 183.

² See nos. 224, 225, 235, 237, *ante*; also the *Journals*, Aug. 7, 8, 14, 16, 17, 20, 21, and nos. 244, 249, 252-255, 260, 261, 268-270, 284, *post*.

³ See the *Journals*, Aug. 7, and no. 225, *ante*. President McKean transmitted to Governor Clinton Aug. 8 the resolution of Aug. 7 respecting the commissions issued by Governor Trumbull (see no. 251, *post*) and that of the same date respecting Vermont, remarking, "The political expedience of this last measure will, I flatter myself, render it not unacceptable to your State, and I trust it will therefore meet your Excellency's approbation and support" (*Clinton Papers*, VII. 176). Clinton's reply to President McKean, Aug. 25, is *ibid.*, p. 251.

[240]¹ N. Y. Hist. Soc., Duane Papers, V. 349 (draft).

² The despatches mentioned were laid before Congress Aug. 3 and referred to the board of war, to be considered in connection with a letter from Quartermaster-General Pickering dated July 27 (see the *Journals*, Aug. 1). The board reported Aug. 8, when the whole matter was referred to a special committee, as mentioned in this letter. The special committee made a report Aug. 9, which was taken into consideration Aug. 23 and recommitted. Definite action was taken Sept. 7. See nos. 247, 260, 302-304, *post*. Some letters of Udny Hay to Pickering and Governor Clinton, July 25-26, relative to this affair, are in *Clinton Papers*, VII. 127-134, and a letter from Clinton to Hay Aug. 1 is *ibid.*, p. 154. Further correspondence relative to the affair is found *ibid.*, pp. 213-224, 246, 248, 255.

same as no letters from you on that subject are to be found at the Treasury Board. It would not be difficult to obtain an advance of money for the Artificers if the Money were not exhausted. Our Anxiety for these our suffering Fellow Citizens is inexpressible.

241. JAMES LOVELL TO MRS. ABIGAIL ADAMS.¹

Aug. 10, 1781.

. . . . I have made Communications to Mr. S. A. if not to you that will answer all those Questions which you was restrained from asking thro' Fear of Rivington. I do really think that no pique or ill Will against your Mr. A— exists here. Whatever has been done that can excite a Suspicion of the Kind has sprung out of mistaken principles of general policy. I am not induced to suppose La Luzerne otherways than friendly and respectful; But when he has, agreeably to what Vergennes wrote to him, desired Instructions to our Negotiator to act cordially and unreservedly with those of France, the Measures adopted here, in Consequence, have exceeded his Expectations.²

I wish you not to suffer any Vexation of Mind beyond what I do myself. There is no such Idea here as any Criminality in Mr. A—, he is much esteemed. But such is the uncouth way of proceeding here at Times that unintended Chagrin must arise. Doctr. F— is experiencing very much I am persuaded on the appointment of J Laurens. It is *therefore* that he has asked for Retirement rather than because of his age. . . .

242. JAMES LOVELL TO ELBRIDGE GERRY.¹

Aug. 10. 1781.

Sir,

When I have been asked here regularly and anxiously, for many Weeks back, whether I had not *given* you Offence I answered peremptorily [*sic*] no. But now that the Question is put to me whether you have not *taken* Offence against me the answer becomes foreign. The Question is therefore submitted to the Tribunal where alone it can be answered. The Imagination of the Queriste supposes the Ground of offence to be discovered in your printed Letter where you use *your* in Preference to *my*— “nothing shall be wanting on my part to serve the interest of yourself and *your* amiable Friend[’].”²

[241]¹ Adams MSS., Boston.

² See no. 166, note 2, *ante*.

[242]¹ Furnished by courtesy of Professor S. E. Morison, of Harvard University.

² The allusion is to a letter from Gerry to Lovell May 20, which was intercepted and printed in the *Royal Gazette* of June 9. In this letter Gerry says:

“Your several favours of April 3d, with 17th, 23d, and 31st, are at hand, and I am at a loss what to say to you on the subject of the negotiation which you formerly proposed. [Here follows a discussion of the problems and doubts respecting the disposition of certain moneys.] I am in hopes that the apprehensions of the people will so far subside, as to enable me to accomplish my purposes; be that as it may, you may be assured that nothing shall be wanting on my part to serve the interest of yourself and your (our) amiable friend. Is it not high time for the People to know on what principles the continental currency is emitted? If each state is at liberty to comply or not with the requisition of Congress, respecting it, there is an end of your paper emissions, and the sooner they subside the better, for the continuance of them can only tend to destroy the little confidence which the people have in the public credit. . . .”

you have not been pleased to own the Receipt of mine of May 8, 8/9, 14, 29, June 14 26 goes now July 13, and perhaps more, tho the last might have been in hand so as to be answered last post.

If you should see Genl. Sullivan you would get all our evil-deeds for 3 months back. you must take them at second hand from Mr. S A⁸ who will see the Genl. Lee's Corps have had known Success against Rawdon's Parties so as to make us confirmed that Something very fine has taken place at Monk's Corner. Genl. Green at the date of his Letter recd. Today knew not the Proceedings of the Party sent thither but the Flaggs in a short Passage say the Post was ruined by our People.

Am I to give up all hope of offensive operations on the North River to the defective Quotas of New England? God forbid.

I am greatly baulked in not hearing from you the Comments made upon the published Letter of May 20. Here they say I was speculating. But indeed very few saw or took Interest in the Reading of the Budget catched at that Time.

R R Livingston was yesterday chosen Secy. for for: affairs, and a Com'tee was the day before chosen to find from agents of Vermont their Expectations and Designs *in case* we recognize them.

This is more graceless now than it would have been some time ago but N Y and N H were not then ripe for it.

yrs affectionately
J L⁴

243. THE NEW YORK DELEGATES TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

PHILAD. 10th August 1781.

Dear Sir,

This Morning Chancellor Livingston was Elected Minister for foreign Affairs—an appointment which will be very agreeable to the foreign courts in our Friendship on account of his Rank, Connections and abilities.²

Nothing else has occurred since our last worthy of your Excellency's attention.

In his letter to Gerry Oct. 2 (no. 333, *post*) Lovell remarks, "It gives me much Pleasure to find that 'your' was a Misprint". In his letter to Gerry Feb. 20 (see no. 9, note 3, *ante*) Lovell speaks of "Miss Dalley" in a connection which makes it fairly evident that she is the "amiable friend" referred to in later letters. Some light on the transactions in her behalf may be gathered from omitted passages in Lovell's letters of Mar. 16, 20, and 27 (nos. 28, 31, 43, 43A, *ante*). In 1778 the Massachusetts delegates resided in the house of a Miss Dally (or Dalley). See vol. III., pp. 349, 533.

⁸ Samuel Adams, who had left Congress in April. The meaning is doubtless that Adams would tell Gerry what Lovell had written him concerning proceedings in Congress (see no. 241, *ante*). Sullivan was just then returning to New Hampshire. See no. 236, *ante*.

⁴ The letter is addressed, "The Hon'ble Elbridge Gerry Boston or Marblehead Care of S A Otis Esqr. Boston favd. by the Cheval'r J P Jones"; and on the margin of the address is the following, "Boston 12th Oct 1781 This day recd. and forw'd by Your most H'l Ser't Saml. A. Otis".

[243]¹ From the collection of Mr. Fred M. Steele of Chicago, obtained through the courtesy of Professor M. W. Jerneagan of the University of Chicago. The letter bears the signatures of Duane and L'Hommiedieu.

² Congress had provided Jan. 10 for a department of foreign affairs, but had postponed the election from time to time. See the *Journals*, Jan. 17, Feb. 7, 9, June 13; also no. 265, *post*.

244. JAMES DUANE TO ROBERT R. LIVINGSTON.¹

PHILADELPHIA 11 Aug 1781.

. . . . If I can procure the Establishment of our remaining Limits by express bounds and under especial Guarantee of the United States my labour will not be in vain and I shall return home with great satisfaction. The Doctrine that our jurisdiction over Vermont is to be sacrificed for the publick Tranquility is pretty fully established. what happened in the Legislature at Albany last winter proceeded [*sic*] us, and it was ever expected that we came prepared to execute or surrender. We were not however deterred from doing our duty agreeably to our express Instructions. We are endeavoring to avail ourselves of the advantages which may arise by the impressions which this Determination only Justified by the plea of necessity must create.²

245. THOMAS MCKEAN TO GEORGE WASHINGTON.¹

Private.

Sir,

By a vessel from Cadiz last night we are informed, that our Minister at the Spanish court, as late as the 11th June,² had made but little progress in a negotiation with them; they still appear friendly, but aim at cessions we cannot make; they give encouragement respecting money at sometimes, again they are disappointed and cannot promise any thing certain; they have however given Mr. Jay liberty to accept Bills to the amount of One hundred and fifty thousand Dollars, but have no known funds appropriated for the payment. In short their conduct appears rather insincere and mysterious. Our public dispatches are intercepted; or obstructed in so much, that a free correspondence is almost impracticable. Mr. Gardoqui was to sett off from Madrid for Philadelphia sometime in June; but his intentions of coming here have been so often announced, and the delay not accounted for, that Mr. Jay will say nothing about him hereafter, until he has actually sailed.

France acts a truly friendly part. We shall certainly obtain from her, this year, twenty millions of livres; four of which will be retained for

Arthur Lee wrote to Samuel Adams Aug. 13: "Chancellor Livingston, after much manouevring was of friday last elected Minister for foreign Affairs. Upon the first vote, Massachusetts, Connecticut, Jersey, Delaware and Virginia were for Mr. Lee, and three for the Chancellor. On the second Virginia was prevaild on to throw away its vote, and the Chancellor had Hamps'e, R. Island, N. York, Jersey, S. Carolina and Georgia. Dr. Witherspoon stayd away and his Colleagues changd sides. On the third day, Mr. Smith of this State, with his senses hardly recovered from a fall that took them away entirely, was brought in and with Mr. Clymer carried the Election" (N. Y. Pub. Lib., Samuel Adams Papers; N. Y. Hist. Soc., *Collections: Deane Papers*, III. 447, dated Aug. 12). See nos. 283, 299, *post*.

[244]¹ N. Y. Pub. Lib., Bancroft Collection, Livingston Papers, II. 249 (extract).

² See no. 239, *ante*.

[245]¹ Library of Congress, Washington Papers; Hist. Soc. of Pa., McKean Papers, I. 80 (draft); *Letters to Washington* (ed. Sparks), III. 378; Wharton, *Rev. Dipl. Corr.*, IV. 629.

² A letter from Jay, May 29, and two from Carmichael, June 2 and 11, were read in Congress Aug. 13. The two first mentioned are *ibid.*, IV. 459, 466.

Doctor Franklin, to discharge the interest on Loan Office Certificates; two supplied in military stores etc. and the residue be subject to the directions of Congress. I have the strongest reasons to believe that Colonel Laurens is now on the Ocean, and has with him two millions and an half of this money in specie: I pray most sincerely for his safe arrival.³

....

PHILADELPHIA, August 12, 1781.

246. THOMAS MCKEAN TO RICHARD HENRY LEE.¹

Dear Sir,

My friends will, I know, excuse me from writing long letters during my present employment, but I cannot excuse myself for omitting this favorable opportunity by Doctor Arthur Lee of paying my devoirs to you. The Doctor's affairs are terminated, as far as relates to Accounts, nearly satisfactorily,² with this exception that he has not received any part of the sum due to him. For the rest I must refer you to himself, assuring you that those members of Congress, who know you, him and your worthy brother Francis, and your strenuous exertions in the cause of America from the commencement of the contest, still retain the warmest and most disinterested friendship for each of you. . . .

we are at present very low, with respect to finance, but it is with infinite pleasure I can inform you, that we have very fair prospects on that head from abroad as well as at home. France has lately given further proof, that she is a faithful Ally: I cannot be more particular. Spain continues to act an interested and mysterious part, but must in the end close with us. The United Provinces of the Netherlands appear to be very friendly, but they are tedious in deliberation and slow in execution. . . .

PHILADELPHIA, August 13th 1781.

247. ROBERT MORRIS AND RICHARD PETERS TO GEORGE WASHINGTON.¹

CAMP 13th Augt. 1781.

Sir,

The Orders of Congress which we have the Honour to communicate directing us to confer with your Excellency on the Subject of the proposed Numbers and arrangements of the Army for the next Campaign not having pointed out the Reasons inducing the Measure, we have the Honour to lay before you our Ideas on the Subject so far as we are acquainted with the Matter from a Conference at which we were present in Phila-

³ The letter continues with a discussion of the proposed peace congress at Vienna and other aspects of the international situation, also with a relation of the latest naval and military intelligence.

[246]¹ Hist. Soc. of Pa., McKean Papers, I. 81 (endorsed by McKean, "private—Copy of a Letter to Col. Richard H. Lee Esquire").

² See the *Journals*, Aug. 6. Lee's reply to this letter, Aug. 25, is in *Letters* (ed. Ballagh), II. 246.

[247]¹ Library of Congress, Washington Papers; *Letters to Washington* (ed. Sparks), III. 381; Wharton, *Rev. Dipl. Corr.*, IV. 631.

delphia, had by a Committee of Congress, the Subscriber as Superintendent of Finance and the Board of War pursuant to a Resolution of Congress with a Copy of which your Excellency has been furnished.² After the full Conversation with which we were honoured the 12th inst. it is unnecessary to enter at large into those Reasons or to urge the pressing Necessity of Oeconomizing our Affairs so as to make our Revenues in a great Degree meet our Expenses. Your Excellency must be equally Sensible with us of this Necessity and we are perfectly convinced you are equally disposed to assist in every Measure tending to promote so desirable an Object. You are also impressed with the Impolicy of calling on the States for Men or Money in Numbers and Quantities so extensive as to alarm the timid and to excite among men the Zealous and considerate Ideas of the Impracticability of carrying on the War upon such Terms. Demands of this nature instead of animating to Exertions are only productive of hopeless Languor. Your mortifying Experience of the inadequate Compliance heretofore with former Demands will explain the Motives inducing to the Expediency of moderating those Demands so as to render them productive and in Case of Failure to leave the delinquent State without excuse. Your Excellency has doubtlessly considered that the Class of Men who are willing to become Soldiers is much diminished by the War and therefore the Difficulties of raising an Army equal to former Establishments have increased and will continue to increase and embarrass the States in their Measures for filling up their Quotas should the mode of recruiting the Army be continued in the present Line. You will also have considered that the Enemy proportionably debilitated by the War are incapable of opposing to us the Force we originally had to encounter and therefore the Necessity of such extensive Levies as we formerly raised seems to be in some Measure superseded. In what Degree the Forces of these States should be decreased we do not pretend to determine leaving this to your Excellency's better judgment. But from past Experience it should seem that the States are incapable of bringing into the Field an Army equal to that called for by the last Arrangement. Or if all the Demands of Congress on the States become merely pecuniary it does not seem probable that they can or will furnish Money for raising, equipping and supporting such an army. We should be happy were we capable from any Information we are possessed of to assist your Excellency in the Investigation of the Subject with Respect to the probable Designs or force of the Enemy the next Campaign. This must in its Nature depend upon Contingencies at present even beyond Conjecture. At this Time therefore in our Apprehension the only solid Ground of Procedure is to consider what Force these States under present Circumstances are capable of producing.

Having thus in general mentioned the Ideas which have arisen on the Subject we beg to leave the Matter to your Excellency's Consideration and take the Liberty of proposing the following Queries after further mentioning that it has been conceived it would be expedient in Case of

² Morris and Peters were serving as members of the mixed commission appointed July 26 and 31 to confer with the commander-in-chief on the arrangement of the army. See nos. 227, 232, *ante*, 265, 271, 395, 403, *post*.

Reform to lessen the Numbers of Regiments so as to make fewer Commissioned Officers necessary and to increase the Numbers of Non Commissioned Officers and Privates in those Regiments. It has been supposed that a considerable Saving would ensue from this Measure by not having so many Officers in full Pay with their Horses, Servants, Baggage and other consequential Expenses in the Field, or if they remain in Quarters from Want of Command they are in a situation disagreeable to their own Feelings and uselessly expensive to the public.³ We presume that Gentlemen qualified for Staff Officers might be found among the retiring Officers and that Artificers and other Persons employed by the Staff Department should not enter into the present Calculation as the Officers at the Heads of those Departments should be enabled to carry on their Business without taking Men from the Line—a practice introduced from Necessity, very prejudicial to Discipline, and productive of pernicious Consequences by diminishing the effective Force of the Army.

Query. 1. Is a Reduction of the Numbers of Officers and Men as fixed by the last Arrangement of the Army expedient or proper?

2. How can this Reduction be brought about consistently with the Good of the Service and what Arrangement should be made in Consequence of this Reduction?

The Answers to the above Queries will no Doubt include the Numbers of Men necessary for the next Campaign and the Organization of them so as to designate the Number of Regiments and the Numbers in those Regiments both of Commissioned and Non Commissioned Officers and Privates as well regimentally as by Companies. The Expediency of having fewer Regiments of Horse and Artillery and of consolidating the independent Corps will also we presume come under your Excellency's Consideration.

3d. What Periods of Enlistment under present Circumstances are most proper to be adopted?

4th. What Regulations can be made to modify the Practice of taking Soldiers from the Line as Servants to Officers? On this head we beg Leave to submit to your Opinion a Copy of a Motion made in Congress on this Subject.⁴

5. What is to be done with Officers by Brevet or those who have no particular Command? Can they not be placed in the Regiments or retire on Half pay?

6. Would it be practicable consistently with Justice and the Good of the Service to call into actual Service Officers who have retired on half Pay, by the former Arrangement to fill Vacancies happening in the Lines to which they respectively belong?⁵

³ The clause following "Want of Command" is not in the printed text.

⁴ Some regulations with regard to furloughs had been adopted June 16. Sparks quotes here, as the motion alluded to, one offered by Varnum, although no date is given. The motion is as follows: "Resolved, that no officer be permitted to take with him on furlough any soldier, without receiving the permission of the Commander-in-Chief or the Commanding Officer of a separate department; and that the Board of War take order that all soldiers, now retained from the army in either department as waiters to officers, immediately join their respective corps."

⁵ The letter is signed, "Robt. Morris S. I. of Finance Richard Peters Member of the board of War". Washington's reply, Aug. 21, is in *Writings* (ed. Ford), IX. 347,

248. THE VIRGINIA DELEGATES TO THE GOVERNOR OF VIRGINIA
(THOMAS NELSON).¹

PHILA: Aug. 14th, 1781.

S'r,

We have your favor of the 27th ulto.² The Delegates moved in Congress for a resolution to furnish our State with some passports for Vessells to import Salt only from Bermuda and load with Indian Corn and flour in return. The motion meeting opposition was committed and no Report is yet made. We shall hasten this business all we can and use our best endeavours to support it.³

It is with reluctance we request your Excellency to press the Agent to send forward supplies for our Support—Necessity alone could induce us again to mention it; but we feel for the honor of the State as well as for ourselves upon this occasion, and wish to avoid every Mode of supply that may be disagreeable to either.

249. JAMES MADISON TO EDMUND PENDLETON.¹

PHILADA. Aug'st 14th 1781.

Dear Sir,

I have your favor of the 6th inst. before me.²

The controversy relating to the district called Vermont, the inhabitants of which have for several years claimed and exercised the jurisdiction

(ed. Sparks), VIII. 142. See also sundry letters of Morris, Aug. 2-23, in Wharton, *Rev. Dipl. Corr.*, IV. 616, 621, 622, 650, 651, 654. A letter from Richard Peters to President McKean, also written Aug. 13 (at "Camp"), casts light on the matter to which it particularly relates (see the *Journals*, Aug. 1, 3, 8, 9, 23, Sept. 7, and no. 240, *ante*). Following is the essential part of the letter: "There were some Papers referred to the Board of War relative to a Dispute between the Qr. M'r Genl. and a Number of claimants of forage on the Lands recovered from the Enemy by the Approach of our Convoy toward N. York. From the Sentiments of the Board when I left Philad'ia it appeared they intended to send back the papers to Congress without giving an Opinion. Should this be the Case the Matter will probably be decided in a Report from a Committee of Congress. I find on Enquiry that Col. Pickering was never averse to the Matter being settled on reasonable Terms and that the greater Part of the People are well inclined but uneasinesses have been fomented from the personal Views of Some who are unfriendly to Col. Pickering. Possibly Congress will determine that the Demands shall be ascertained and the Amount paid when the Public Circumstances will permit. I have therefore taken the Liberty confidentially to mention the Matter to you that you may be pleased so far as you are to have the Determination of Congress put on such a Footing as to the Manner of Expression that Justice may be done to the People without throwing any Slurs on Col. Pickering's Conduct. This I am sure Congress are not disposed to do because they must be sensible that it is necessary to support their Officers so far as they are right and I am so far from seeing any Cause of Censure that I am convinced Col. P's Conduct proceeded from the best Motives. But a coldness of Expression or any Mode of doing the Business which tends to cast an Imputation upon his Conduct will only gratify his Enemies without being of the least Service to the public." Hist. Soc. of Pa., McKean Papers, I. 82.

[248]¹ Va. State Lib., Executive Papers (signed by Jones and Bland); *Cal. Va. State Papers*, II. 330.

² Nelson's letter, dated July 26, is in *Official Letters*, III. 12.

³ The motion, though undefined, is mentioned in the *Journals* Aug. 9. The report of the committee appointed upon it was brought in Aug. 14, and action was taken upon it the same day. See no. 234, *ante*, no. 266, *post*.

[249]¹ Library of Congress, Madison Papers, Ac. 1081; *Writings*, I. 150; *Papers*, I. 96; Vt. Hist. Soc., *Collections*, II. 57; *Vt. Recs.*, II. 312.

² Pendleton's letter of Aug. 6 is in Mass. Hist. Soc., *Proceedings*, second ser., XIX. 138. He refers therein to "the loss of the mail in or near Wilmington". The omitted

of an Independent State, is at length put into a train of speedy decision. Notwithstanding the objections to such an event, there is no question but they will soon be established into a separate and federal State. A relinquishment made by Massachusetts of her claims, a despair of finally obtaining theirs on the part of N. Y. and N. H., the other claimants, on whom these enterprising adventurers were making fresh encroachments, the latent support afforded them by the leading people of the N. E. States in general from which they emigrated, the just ground of apprehension that their rulers were engaging in clandestine negotiations with the enemy, and lastly perhaps the jealous policy of some of the little States wch. hope that such a precedent may engender a division of some of the large ones, are the circumstances which will determine the concurrence of Congress in this affair.³

P. S. . . .

250. JOHN MATHEWS TO NATHANAEL GREENE.¹

PHILADELPHIA Augt. 14: 1781.

Dear Sir,

. . . . I hope long 'ere this Govr. Rutledge is with you. The Gentlemen from St. Augustine are all safe arrived here, as likewise, are those from Chs. Town. None of them will remain here one hour longer than is indispensibly necessary; as soon as they can get their families accommodated in such manner as to place them beyond absolute want, they have all agreed to set out immediately for their own country. for this purpose, the Delegates of So. Carolina are negotiating a loan of 30,000 Dollars, and have applied also, to the generously disposed to contribute by their donations to the relief of these distressed, and magnanimous people. We have met with great success in both applications, and are in hopes to administer such relief to them, as will render their situations comfortable, tho' not affluent. I have great expectations from their arrival in their own country. They are mostly men of the first fortunes, and influence there, and will be able to give the Governor such substantial support, as will be productive of the most happy effects. The reestablishing of civil government in that country, is of the utmost consequence in the present situation of our affairs.² I keep my eye constantly towards the manuvring's in Europe:

portions of Madison's letter relate to the movements of the enemy, news brought by a vessel just arrived from Cadiz, and by another vessel "just come up from the W. Indies".

³ See nos. 239, 244, *ante*.

[250]¹ Copied from the original, then in the possession of Mr. Stan. V. Henkels of Philadelphia.

² See the *Journals*, July 23, Aug. 10; *cf. ibid.*, Aug. 27-30, Sept. 18. Edward Rutledge wrote to Washington on the same day:

"The Congress seem disposed to avail themselves of our late situation, and have desired that we will furnish them with an authentic account of the conduct of the enemy, from the surrender of Charleston to the time of our exchange, with a view, as we are told, of retaliating. But, to particularize one half of their cruelty and injustice, is beyond the reach of human labor. However, their most flagrant and atrocious acts of violence and oppression will be pointed out; and if the Congress should retain their present sentiments, they will soon possess materials, not only to justify, but to require and exact (if I may use a British officer's expression) 'retaliation with a vengeance'. Yet I imagine they have

it is on that theatre America's fate must finally be fixed. I expect nothing from their present negotiations (indeed it is a doubt with me whether any will be entered upon during the present campaign.) The period for the great and serious business to be opened will be at the conclusion of this campaign; for should a Congress be previously held, it is natural to suppose the demands of the parties will be so wild and extravagant, as must render them totally inadmissible on either side. It is therefore the events of this campaign alone, that can bring them to treat upon any rational terms. This observation applies most forcibly to Great Britain: Should she be successful her outrageous ambition will lead her to the most insolent demands; if the reverse, or if she should be able to gain nothing, they will most probably be moderate; and open a fair field for discussion; and under the direction of impartial Mediators, holds up the prospect of an equitable determination of all disputes.⁸ . . .

251. THE CONNECTICUT DELEGATES TO THE GOVERNOR OF CONNECTICUT
(JONATHAN TRUMBULL).¹

PHILADELPHIA, Augt. 14th, 1781.

Sir,

We are honoured with your Excellency's letter of the 4th of this month, enclosing copies of an Act of the Council of Safety for expediting a supply of hard money for the Connecticut line of the army, which we are very glad to see, and of your Excellency's letter to Governor Clinton vindicating the seizure of British goods on Long Island.² This measure he had complained of to Congress as attended with many abuses, and particularly dangerous to be pursued while the intended operations should be carrying on against New York, which induced Congress to come to an advisory resolve upon the matter, a copy of which we herewith inclose. We wish, however, for their fuller information on so interesting a subject, that they had had the benefit of your Excellency's letter, and shall yet lay it before them.

too much of the milk of human kindness in their composition to bear them through this painful, though necessary business. Indeed, warmed as I am by my own sufferings, and by what is of infinitely greater consequence, I mean the sufferings of my friends, I am persuaded I myself shall not be able to do moderate justice to the injured" (*Letters to Washington*, ed. Sparks, III. 387). See also a letter from Christopher Gadsden to Washington Aug. 10 (*ibid.*, p. 376), which gives in particular an account of the imprisonment of the South Carolinians.

David Ramsay, one of the Carolinians then in Philadelphia (in 1782 he returned as a delegate to Congress), writing to Gen. Benjamin Lincoln Aug. 13 to express his "sincere friendship for and attachment to Gen. Lincoln", remarked: "Philada. is full of your old Carolina friends. I meet many more of the people of that state in the streets here every day, than I did in the streets of Charlestown after the surrender." N. Y. Pub. Lib., Emmet Coll., no. 1260.

³ The letter from Mathews to Greene Aug. 23 with an addition Aug. 28 (no. 273, *post*), is evidently a continuation of this letter of Aug. 14. The part bearing the date Aug. 23 found its way into the William L. Clements Library, but the part here printed is not in that repository.

[251]¹ Mass Hist. Soc., *Collections*, seventh ser., III. 261 (signed by Sherman and Ellsworth).

² Trumbull's letter to Governor Clinton, July 20, is *ibid.*, p. 248. Clinton's reply, Aug. 20, is in *Clinton Papers*, VII. 234. See the *Journals*, Aug. 7, and nos. 225, 239, *ante*.

Your Excellency will have received two letters written circular to the States by the Superintendent of Finance, soliciting the grant of the 5 per cent duties heretofore recommended by Congress, and pressing for a speedy adjustment of the accounts of supplies and other disbursements made by the State. Both of which requests, it appears to us of much importance to the publick, and especially the interest of our State, should be complied with.³

The Honourable Robert R. Livingston, Esquire, Chancellor of the State of New York, is appointed by Congress Secretary of Foreign Affairs.

We hope some one or more of our delegates will soon arrive and take their seats in Congress, as they have been wrote to for that purpose some time since, and Mr. Ellsworth, on account of his health and the circumstances of his family and affairs, expects shortly to return home.

252. JAMES DUANE TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

PHILADELPHIA 14th August 1781.

Dear Sir,

. . . .

P S We find ourselves instructed by the Legislature to press the settlement of Col. Hayes accounts, and an advance to our Artificers, etc. But we have no information or materials respecting the Accounts on which to ground a Representation and as to money the Current Service calls for more than can be drawn into the Publick Treasury. We have written Col. Hay to this Effect.²

Since writing what preceeds, a Letter is read in Congress from Fay Allen and Woodward enclosing their Commission from Vermont to enter into Alliance with the United States.³ I suppose the Treaty will be immediately opened as they are upon the Spot and Congress seem to have got over all Objections to their gratification. How we shall act I know not. If their Agents should be admitted to take Seats as Delegates, can we continue not knowing the Sense of our own State? I sincerely wish it was the 10th of September to rid me of this embarrasment.⁴

³ See no. 254, note 2, *post*.

[252]¹ N. Y. State Lib., Clinton Papers, no. 3900; *Clinton Papers*, VII. 200.

² See the *Journals*, Aug. 6, Sept. 6.

³ See the *Journals*, Aug. 14, 16, 17, 20. The letter of the Vermont agents, dated Aug. 14, with their commission, is in *Vt. Recs.*, II. 316 n. The committee held a conference with the Vermont agents (or "delegates") Aug. 18. The proposals of the Vermont agents, Aug. 18, are *ibid.*, p. 317; a series of questions propounded by the committee and the agents' answers are *ibid.*, p. 318, and no. 261, *post*.

⁴ The delegates appear to have had some doubt respecting the termination of the period for which they were elected, but had concluded that they were not authorized to remain beyond Sept. 10. Clinton suggested that they remain until Oct. 15. See nos. 303, 304, 326, 327, *post*. Cf. Clinton's address to the legislature Oct. 1, *Clinton Papers*, VII. 162. A brief reply, Aug. 26, to this letter of Duane is *ibid.*, VII. 204.

253. SAMUEL LIVERMORE TO THE PRESIDENT OF NEW HAMPSHIRE
(MESHECH WEARE).¹

PHILADA. Augt. 14, 1781.

Dear Sir,

. . . . By Genl. Sullivan you will be fully informed abt. Vermont; he has a copy of the resolution of Congress on that head. Every reasonable argument was used to have the territory annexed to N. H. but in vain. An act of Massachusetts to relinquish their right and make a new state led the way, altho we know they had no right: but it gave colour and influence. Congress had also good information that the body of the people in N York were willing to do the same, their house of represent[entati]ves voted it. The fear of Vermont joyning the Brittish, according to Lord Geo Germaine's intercepted letter; and also the fear of a civil war, in case of attempting to reduce them to N Y or N H by force, had doubtless some weight. All these motives joyned induced Congress to yield to motives of policy and expedience rather than rigid J——e.²
. . . .

254. THE RHODE ISLAND DELEGATES TO THE GOVERNOR OF
RHODE ISLAND (WILLIAM GREENE).¹

PHILADELPHIA, 14th Aug. 1781.

Sir,

The Super Intendent of Finance has lately written circular Letters to the States; Their Contents have been approved by Congress.² We are at a loss to conjecture the reasons wh'ch have induced the State of Rhode Island to delay complying with the Requisition of Congress, respecting the five per Cent. Duty. This Requisition was so essential to the Adoption of a regular, frugal and productive System of Finance, that we cannot enter into the necessary Details of a permanent Revenue without realizing it. It must be obvious that unless we can call forth the Resources of the respective States equally, it will be impossible to execute any great Object,

[253]¹ Mass. Hist. Soc., C 81 B 47.

² The word is no doubt "Justice".

[254]¹ R. I. Arch., Letters to the Governors, 1781-1782, p. 3 (signed by Varnum and Mowry); Staples, *R. I. in Cont. Cong.*, p. 349.

² Morris had written to each of the states July 16, transmitting a certified copy of that state's account (that to Virginia is in Va. State Lib., Executive Papers), and he had followed this, July 25, with a circular letter respecting the adjustment of these accounts (Mass. Hist. Soc., *Collections*, seventh ser., III. 252; Wharton, *Rev. Dipl. Corr.*, IV. 601). July 27 he wrote respecting the five-per-cent impost, to the states of Massachusetts, Rhode Island, New York, Delaware, Maryland, and North Carolina, states which had not yet granted the impost (*ibid.*, p. 606; *Clinton Papers*, VII. 138). Aug. 28, in response to a reference Aug. 23, he wrote a letter to Congress discussing at length the question of the public debts (Wharton, IV. 667), and mentioning that a copy of his circular letter of July 25 had been transmitted to Congress Aug. 6. This letter of Aug. 28 was not however transmitted to Congress until Nov. 5, together with a letter of that day further discussing the subject and particularly the resolve of Congress Nov. 2 (*ibid.*, p. 822). Cf. no. 251, *ante*. See also Morris's letter to the speaker of the Pennsylvania assembly Sept. 28 (Wharton, IV. 733); cf. also nos. 279, 312, *post*.

It is pertinent to remark here that the titular designation frequently accompanying Morris's signature as printed, namely, "S. J. of Finance", is an error. Morris wrote *S. I of Finance*, that is, *Super-Intendent of Finance*, but he used a long *I*, which many editors have interpreted as a *J*.

while the states who do most will be the greatest Sufferers. It is as obvious that without a permanent Revenue in the Disposal of the United States, we can neither fulfil past Engagements nor obtain future credit. The Resources of the Country are not sufficient to carry on the War, without anticipating the Revenues. This cannot be done Without Credit, nor this exist without Funds. We have not a doubt but matters will soon be put into such a Train as to settle the public Accounts in equitable Principles. Measures are taking by Congress to enable the Financier to adopt such Modes, as will do justice to all the States, and remove those unhappy Consequences w^{ch} result from a mutual Jealousy. We must therefore beg Liberty [to] urge the Propriety of the Measures, and a compliance with them. The Congress have appointed a Committee of five to confer with a Committee to be appointed from the State of Vermont, and agree upon Terms for admitting them into the Union. Three gentlemen have arrived from Vermont, tho' in consequence of powers granted by that State previous to the Resolution of Congress.³

255. DANIEL MOWRY TO DANIEL MANTON.¹

PHILADELPHIA, 14th Augt. 1781.

S^r,

. . . . Congress appointed a Committee To Convean Consulte and agree with a Committee appointed by the State of Varmont on Conditeons of Commencing a Sovring Independant State, which last Mentioned Committee are arived at Philide, Commissioned for the Purpose aforesaid, whereupon it is Probable Varmont will Commence a free Sovring and Independant State and Receved into the Union agreeable To Confideration of the united States of america ². I am here in Comfortable Health find a very agreeable Companion in my Coleague Gen. Varnum who proves able To do Justice To the State whom he represents.

256. THE PRESIDENT OF CONGRESS TO THE GOVERNOR OF VIRGINIA
(THOMAS NELSON).¹PHILADA. August 15, 1781.²

Sir,

I was honored with your Excellency's letter of the 28th ulto. and laid the same before Congress. You will receive inclosed herewith on Act of Congress of the 4th [14th] instant, and in consequence thereof sixteen blank Passports, in the distribution of which Congress wish you may be as particular as possible with respect to the persons you intrust, as they are

³ See no. 239, note 2, *ante*, nos. 260, 261, 268, *post*.[255]¹ *Royal Gazette*, Sept. 12, 1781 (addressed "To Col. Daniel Manton Rhode Island State Johnston").² See nos. 249, 252-254, *ante*.[256]¹ Library of Congress, President's Letter-Book, p. 62.² The *Pennsylvania Gazette* of Aug. 15 contained "A SPEECH which ought to have been spoken in Congress upon reading of the last memorial from the Indiana Company". The speech begins: "Mr. President, I rise, Sir, to support the memorial from the proprietors of Indiana, which has just now been read in this House." The speech is not signed. See the *Journals*, July 23, 24.

apprehensive the thing itself will create some uneasiness in other States, who may be refused the like indulgence.³

I return you my sincere thanks for your polite congratulation on my present Appointment; and with equal sincerity wish you all manner of happiness in the very distinguished Office of first Magistrate of the greatest State in the Union. In times of such difficulty, neither is very eligible; but a consciousness of discharging the duties with fidelity is a comfort the world cannot take away.

257. THE PRESIDENT OF CONGRESS TO THE GOVERNOR OF MARYLAND
(THOMAS SIM LEE).¹

Sir,

On the 6th instant in the morning I received your Excellency's letter of the 4th, respecting the movements of *Ld. Cornwallis's Army* in Virginia, and laid the same, with the inclosures, before Congress.² Copies were immediately made out, and transmitted to the Board of War and the Presidents of the States of Pennsylvania and Delaware.

You will receive inclosed herewith an Act of Congress of the 14th instant, and in consequence thereof eight blank passports for the purpose of importing salt from Bermuda. The reluctance with which Congress granted these Passports will appear from the Act itself: necessity alone could justify it; and therefore their extreme caution is expressed in the manner it is, and to prevent as much as possible any jealousies among the Merchants or States on this account.³

PHILADELPHIA August 15, 1781.

258. THOMAS McKEAN TO THOMAS BRADFORD.¹

Sir,

Colo. Randolph informs me that a party of the Enemy, or rather Tories employed by the Board of Directors, as they are called, at New York, have on Friday last taken his brother James Randolph, an Inhabitant of Monmouth county not in arms, as a prisoner, and from their threats has reason to apprehend the most cruel treatment of him, if they do not murder him, on account of his avowed and decided conduct in support of the liberties and independence of his country. I must request you to remonstrate in the warmest manner against this conduct, and that you will make particular inquiry into this matter, and let me know the result, in order that steps may be taken for immediate retaliation.

If such measures are pursued by our inveterate enemies, they will before God and Man be solely responsible for the consequences. Our vengeance has been slow, but it may nevertheless be sure.

PHILADELPHIA, August 15th, 1781.

³ See no. 234, note 2, *ante*.

[257]¹ Md. Hist. Soc., Red Book, IX. 131; Hist. Soc. of Pa., McKean Papers, I. 84 (draft); *Arch. of Md.*, XLVII. 422.

² *Ibid.*, XLV. 541.

³ See nos. 234, 248, 257, *ante*, 262, 266, *post*.

[258]¹ Hist. Soc. of Pa., Gratz Coll., M. O. C. (addressed, "Thomas Bradford, Esquire D. Commissary of Prisoners at Elizabeth Town favoured by Colo. Randolph").

259. JAMES LOVELL TO JOHN JAY.¹

PHILADELPHIA, August 15, 1781.

Sir:

Herewith you will receive, according to the resolution of Congress of the 10th, such information relative to the surrender of Pensacola and the subsequent arrival of the garrison at New York, as I have been able to obtain, which you will make use of according to your discretion and the spirit of the enclosed resolution.²

August 16. P. S. It appears to me not amiss to enclose to you a report of a committee on the 10th, as it stands negatived on the journals of Congress.³

260. EZRA L'HOMMEDIEU TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

PHILADELPHIA, August 16th 1781.

Dear Sir,

In our last letters we informed you of the conduct of Congress relating to Vermont and sent you enclosed their Resolutions respecting the same, and also the resolutions desiring Governor Trumbull to recall his Commissions for the Purpose of taking British Goods on Long Island;² we also informed you of the appointment of the Chancellor to the office of Secretary for foreign affairs. The Committee to confer with the agents from Vermont, have since been appointed, consisting of five, most of whom are from the southward.³

The Papers relating to the difference between the Quarter Master General and Colo. Hay respecting forage in West Chester have been committed to the Board of War, who declined reporting on the same. They have since been committed to a Special Committee whose report has been taken up, but for want of time postponed till to-morrow. We shall give you the earliest intelligence of the Decision of Congress on this subject.⁴ The Board of Treasury at present is in such situation that I see no great prospect of a settlement of the purchasing officers accounts in our State until the Financier shall adopt a general system for settling all public accounts which he is determined to do as soon as his Business will admit. Neither is it at present in our Power to procure Money for Colo. Lewis and Hay to pay of Artificers and Labourers in their several Departments, unless by Orders on our Treasury, which I fear would be disagreeable to the State in its present Circumstances. By a Resolution at the Request of Mr. Morris, the Board of Treasury is continued, until he can have time to arrange his Business, and their Existence being so precarious, they would not willingly enter on any new modes for settling Accounts, they having no monies at their Disposal.⁵ . . .

[259]¹ Wharton, *Rev. Dipl. Corr.*, IV. 634.² See nos. 207, 208, *ante*, and the *Journals*, Aug. 10.³ The report was no doubt that respecting the navigation of the Mississippi.[260]¹ *Clinton Papers*, VII. 210.² Both resolutions are of Aug. 7. See nos. 225, 239, 251, *ante*, 281, 282, *post*.³ See nos. 252, 255, *ante*, and the *Journals*, Aug. 14, 16, 17, 20, 21.⁴ See nos. 240, 247, *ante*, 302-304, *post*.⁵ See the *Journals*, July 24.

261. A COMMITTEE OF CONGRESS TO THE AGENTS FOR VERMONT.¹

PHILADELPHIA, 18th August, 1781.

(COPY)

Questions proposed by the committee of Congress to the agents on the part of Vermont, with answers thereto.

Query 1st. Are the boundaries set forth in the written proposition delivered in by the said agents at this time claimed by the State of Vermont as the lines of jurisdiction, the same as contained in the resolution of Congress of the 7th of August, instant?

Answer. They are the same with the addition of part of the waters of Lake Champlain for the benefit of trade etc.

Query 2nd. What part do the people of Vermont mean to take up as to the past expenses of the present war, and what aid do they propose to afford as to men and money to the common defence?

Answer. Such proportion as shall be mutually judged equitable after their admission to a seat in Congress, which has been several times officially proposed by the agents on the part of Vermont.

Query 3rd. What are the ideas of the people of Vermont relative to the claim of private property under grants or patents from New Hampshire or New-York previous to the present Revolution?

Answer. Altho' the state of Vermont hath not hitherto authorized any court to take cognizance of such causes as respects titles of lands, nevertheless they have had and still have it in contemplation to adopt such modes as the circumstances arising out of each case may justify, without adhering to the strict rules of law.

Query 4th. What are the intentions of your constituents in regard to the patents that were granted on conditions of settlement within a given time, and which have been prevented by the claims of the people of Vermont and the present revolution?

Answer. No forfeitures have been taken by the state of Vermont on any such grant for non-performance of conditions of settlement, and we conceive it to be the intention of our constituents to grant a further reasonable time for fulfilling such conditions.

Query 5th. What are the number of inhabitants within the lines mentioned in their proposition above mentioned?

Answer. As the citizens of Vermont have not been lately numbered, we can therefore only estimate them at about 30,000, which we conceive to be nearly a true estimation.

Query 6th. What quantity of land is contained within the said bounds?

Answer. There has been no accurate survey of the state of Vermont, but we conceive it to contain about 5,000,000 acres.

Query 7th. What applications have been made, either publicly or privately, by the enemies of the United States or their adherents, to draw off the people of Vermont from their affection to the United States of America?

Answer. The honorable committee are possessed of copies of Bevy. Robinson's letters enclosed in B. General Allen's letter of the 9th of

March last to the then President of Congress, and any private offers we cannot vouch for.

Query 8th. In case the enemy should attempt an invasion of the northern frontiers, what aid as to men and provisions could be raised in the state of Vermont for the public defence, (you can suppose the invasion made in different quarters,) and within what time?

Answer. The number of militia within the lines herein limited we suppose to consist of about 7000, in general well armed and accoutred, and have ever shown themselves spirited in case of alarms, etc.

In regard to provisions, the country is fertile but new and considerable emigrations from other states to Vermont. The Legislature, at their session in October last, levied a tax on the inhabitants for provisions sufficient for victualling 1500 troops in the field for twelve months, and we are of opinion a larger store may be in the same manner collected the ensuing autumn.²

262. THE MARYLAND DELEGATES TO THE GOVERNOR OF MARYLAND
(THOMAS SIM LEE).¹

PHILADELPHIA Aug. 18th, 1781.

Sir,

A favourable occasion offering to obtain from Congress particular passports, for the importation of a quantity of salt into our State, we made an application for that purpose, and the Letter you will receive herewith from the President contains the resolves of Congress thereon, and the passports.²

Mr. Mullahon has sold only 12 hhds of Tobacco—The proceeds of which divided between Mr. Potts and ourselves have afforded a very scanty relief.³ . . .

21st. The president informs us that he has forwarded the passports

263. THE PRESIDENT OF CONGRESS TO THOMAS JEFFERSON.¹

PHILADA. August 20th, 1781.

Sir,

My Predecessor sent you the Copy of a vote of Congress of the 14th of June last, appointing you a Minister for negotiating a peace with Great

² The propositions of the Vermont delegates to the committee of Congress, dated at Philadelphia Aug. 18 and signed Joseph (Jonas) Fay, Ira Allen, and Bez'l Woodward, are in Vt. Hist. Soc., *Collections*, II. 164, and *Vt. Recs.*, II. 317. See no. 252, *ante*; cf. nos. 264, 268-270, *post*.

[262]¹ Md. Hist. Soc., Red Book, V. 101 (in Carroll's writing and signed by him and Jenifer); *Arch. of Md.*, XLVII. 426.

² See nos. 234, note 2, *ante*. A motion was made on the subject by the Virginia delegates Aug. 9, and a report was brought in Aug. 14, which however underwent alterations in Congress. Doubtless it was the application of the Maryland delegates that brought about the alteration.

³ See nos. 155, 176, *ante*. The remainder of the letter pertains to the same subject. Aug. 1 the delegates had asked for "an order on Mr. Mullahon for the proceeds of the Tobacco which you mentiond was to be disposd of by him for our use" (*Arch. of Md.*, XLVII. 385), and Aug. 4 the order was given (*ibid.*, XLV. 543).

[263]¹ Library of Congress, President's Letter-Book, p. 65.

Britain: As no answer has yet been received, a doubt has taken place, whether the information had reached you, and therefore I now enclose you a Duplicate.²

264. JAMES DUANE TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

PHILADELPHIA, 20th Augt. 1781.

Dear Sir,

I have been punctual in corresponding with your Excellency since I resumed my seat in Congress, but have not learned whether one of my Letters has been received. The Vermont business goes on briskly: If their agents had been authorized to renounce their late Encroachments everything was prepared for establishing their independent state within the Limits of their first Claim. But those people have connected themselves so closely with the settlers of the grants on the East side of Connecticut River that they find it difficult to shake them off. Under these circumstances we shall endeavour to get every thing effected for the future security of our State against Encroachments, which shall be in our power. I am however perfectly satisfied that much will Depend on a liberal system for appropriating and settling our western Country. Happy would it have been had my former plan, which met with your Excellency's approbation, been adopted. I trust the wisdom of it will be more and more conspicuous. Some of its Advantages are already lost, *forever*.²

P. S. The Financier returned from Camp this morning and I have by him the pleasure of hearing of your health.

265. JAMES MITCHELL VARNUM TO GEORGE WASHINGTON.¹

PHILADELPHIA 20th August, 1781.

Sir,

. . . . A Committee has lately been appointed in Congress for reforming the present military Establishment, of w'h I am one. I must confess the Measure appeared some what disagreeable; but many Circumstances

² See no. 159, *ante*. Jefferson had written to the President of Congress Aug. 4, explaining that his acknowledgment of the letter of June 15 had been delayed because of an absence from home. "I fully feel", he wrote, "how honourable is the confidence which Congress has been pleased to repose in me by their appointment to the high and arduous duty of assisting in the negotiations for peace, and do sincerely lament the existence of circumstances which take from me the right of accepting so desirable an office" (Papers Cont. Cong., no. 78, vol. XIII., f. 239). The letter was read in Congress Aug. 27 (see the *Journals*). On receipt of this letter of Aug. 20 Jefferson replied Sept. 7, explaining that, although he had received the letter of June 15 on July 9, he had been prevented from answering until Aug. 4. "This answer", he said, "I took the liberty of transmitting under cover to the hon'ble Majr. Genl. Marquis la Fayette, being the channel thro which the one addressed to me had come." A duplicate of the letter of Aug. 4 was enclosed. The letter of Sept. 7 (read in Congress Sept. 25) is in Papers Cont. Cong., no. 78, vol. XIII., f. 257; the duplicate of Aug. 4 is *ibid.*, p. 261. See no. 301, *post*; also the *Journals*, Oct. 8. [264]¹ *Clinton Papers*, VII. 231.

² See nos. 252, 261, *ante*, 268-270, *post*.

[265]¹ Library of Congress, Washington Papers.

rendered an Acquiescence preferable to an Opposition: But upon more mature Deliberation, I am induced to retract my first Sentiments, and shall pursue the Subject with unremitted Assiduity.² . . .

We have been so fortunate at last as to elect a Minister of foreign Affairs. The Time draws near for appointing a Secretary at War. There will be a great Difficulty respecting the Candidates. I recollect a Question in one of your Excellency's former Letters to General Sullivan. Be pleased to receive from me the real Answer. That Gentleman was in Nomination, and to get rid of the Embarrassment, Congress postponed the Election. General Greene is most talked of, but he cant be taken from the Line. Will General Heath fill the Place with Propriety? I know he sometimes hesitates; but he has many excellent Qualities.³ How will General Glover answer for Commissary General of Prisoners? Will it be political to promote Generals Greene and Lincoln to the Rank of Lt. General? The detaching Mr. Peters to Camp was a political Manoeuvre of your Friends.⁴ He has been a long Time in the Process of Reformation and it is believed, will soon come out intirely purified. General Cornel is an excellent hand, and has been of infinite Service in the War Office. In the Course of Octr. or November next, I shall return to Rhode Island; Previous to which I hope the Arrangements for the next Campaign will be completed.⁵

266. THE VIRGINIA DELEGATES TO THE GOVERNOR OF VIRGINIA
(THOMAS NELSON).¹

PHILADA. Aug'st 20th, 1781.

Sir,

. . . . In consequence of your Excellency's on the subject of salt, we have obtained from Congress passports for the Reimportation of fifty thousand bushels of that article from the Island of Bermudas, which the President informs us he has already transmitted to you by Express.²

267. JOSEPH JONES TO THE VIRGINIA STATE AUDITORS.¹

Gent'n,

I inclose my acco't agt. the State for Expences as well those for House-keeping as for Horses and traveling without adding any thing extra per day as I know not certainly upon what footing the Delegates now are,

² See the *Journals*, July 26, 31, and nos. 227, 247, *ante*, 271, 395, 403, *post*. Varnum discusses at some length the problems involved in effecting the arrangement of the army. A letter bearing date Aug. 21 (Washington Papers) is a continuation of the discussion.

³ Robert R. Livingston was chosen secretary for foreign affairs Aug. 10. Concerning the election of a secretary at war see nos. 14, 24, 112, *ante*, no. 331, *post*.

⁴ See nos. 227, 247, *ante*.

⁵ The letter bears endorsement, in the writing of Jonathan Trumbull, jr., one of Washington's secretaries, "Conference held upon it".

[266]¹ N. Y. Pub. Lib., Emmet Coll., no. 9774 (in the writing of Bland and signed by Jones, Madison, Bland, and Randolph).

² See nos. 234, 248, 256, 262, *ante*; cf. no. 331, *post*. The omitted portions of the letter relate principally to correspondence with the president of Pennsylvania respecting the seizure of merchandize belonging to the state for a private debt. The correspondence is in *Pa. Arch.*, first ser., IX. 260, 262, 271, 272, 274. The last of these letters, from the Virginia delegates to Reed July 13, is in Hist. Soc. of Pa., Gratz Coll., M. O. C.

[267]¹ Va. State Lib., Executive Papers.

having no satisfactory information on that head since I left the Assembly last Fall; at wch time there was a proposition before the House changing the allowance to a certain stipend per day but have since been told it did not pass both branches of the legislature, from whence I conclude it remains on the former footing of defraying our expences. It may be necessary to say something explanatory of my account.² . . .

PHILA: 20th Augt. 1781.

268. THE NEW YORK DELEGATES TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

PHILADELPHIA 21st Aug'st 1781.

Dear Sir,

Since the Arrival of the Vermont Agents Congress have resumed the Controversy and come to the Decision enclosed. It was not without Difficulty that we prevailed on Congress to establish a Boundary capable of some Precision *as far as Fort Edward* (to wit) a twenty Mile Line from and agreeable to the general Course of Hudson's River. The Agents and their Friends contended that the West Bounds of the Towns granted by the late Government of New Hampshire should wholly form the Division Line: but this would have been so violent an Encroachment on our ancient Grants that Congress unanimously rejected the Attempt. From the Termination of the above Line those Grants and the Northern Waters fix our Limits. The Grants are by no means a proper Boundary as there were no actual Surveys prior to the Patents and the Occupants were left to settle at Discretion; but there was no Remedy.

Your Excellency will perceive that we have been placed in a Situation truly painful. Those who reasoned without Prejudice admitted it was a Sacrifice of the Rights of Individual States for the publick Safety: but they conceived, bad as was the Precedent, it was a necessary Sacrifice in our present critical Circumstances. On these Principles our Title was winked out of Sight, altho' it was maintained by the most satisfactory Evidence. It will be fruitless to enlarge on this vexatious Subject. A Decision might possibly have been deferred: but the Confusion would have increased.

Your Excellency will be pleased to observe that the Dissent of our State has been given in every Stage of this Business. We insisted on a judicial Determination on the Right, in the Spirit of the Act of Congress of September 1779: The present Act is grounded on Expediency or Policy, tho' it is not so expressed.²

² The explanatory statement, as well as the account itself, which together occupy five folio pages, are instructive for the light they shed both upon the mode of life in Congress and upon monetary values, but must be omitted here. The account covers the period from Jan. 30 to Aug. 20, 1781.

[268]¹ N. Y. State Lib., Legislative Papers, no. 2433 (copy); Harvard Univ. Lib., Sparks MSS., XII. 184. The letter is signed by Duane and L'Hommedieu.

² See the *Journals*, Aug. 20, 21. It is noteworthy that the only negative vote Aug. 20, other than those of the New York delegates, was by Mathews of South Carolina. The resolution appears in the *Journals* Aug. 20, with erasures indicating the amendments which were made Aug. 21. Under the latter date it is recorded in its final form, that is, without erasures. A copy of the resolution, in the writing of Daniel Carroll, is in the Washington Papers. Cf. nos. 252, 261, 264, *ante*, 270, 284, 285, *post*.

269. EZRA L'HOMMEDIEU TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

PHILADELPHIA, August 21, 1781.

Dear Sir,

Since writing to you by the last post, Ira Allen, Fay, and Woodward, from Vermont, have arrived here, and sent into Congress their commission as Delegates from the State of Vermont (as they term it) and also their powers to treat on terms of admission into the federal Union. The Committee who were appointed in pursuance of the resolution of the 7th of this instant (a copy of which we had the honor of transmitting to your Excellency) were instructed to confer with them on the Subject of their commission, and to report thereon. A conference ensued, and the Committee reported that the agents from Vermont made their proposals in writing, which were, That as they had no authority to relinquish any part of their present jurisdiction, they requested to be admitted into the Union, and the independence of Vermont acknowledged; after which they would settle any dispute with New York or New Hampshire, according to the Articles of Confederation. Some gentlemen (if I may so call them) would have gladly accepted of their proposals. After a considerable time spent in debate, the enclosed resolution was agreed to; but that there will be a sufficient firmness to adhere to the same, I should much doubt were it not for New Hampshire's being in similar circumstances with New York, in respect to Vermont's late extended jurisdiction. So engaged are the Eastern States and many others to favor this claim of independence, that all other business must give way to that; which is the reason that the dispute between the Quarter Master General and Colo. Hay, altho' it has been the order of the day for a considerable time, is not yet decided. I trust it will be determined as soon as Mr. Allen and his associates are gone out of town, which I hope will be today.² The expectation of the sudden arrival of the French squadron from the West Indies on our coast, the various conjectures of the particular place of their destination, and the probable events which may take place in consequence thereof, has engrossed a great part of the conversation of all companies for two days past. . . .

P. S. The Resolution referred to, you will have in our official letter.

270. SAMUEL LIVERMORE TO THE PRESIDENT OF NEW HAMPSHIRE
(MESHECH WEARE).¹

PHILADELPHIA Aug'st 21st, 1781.

Dear Sir,

A Com'tee of Vermont has been here by an appointm't in June, to unite their State with the United States, and to sit in Congress. They knew nothing of the resolution of the 7th Aug'st untill their arrival in this City.

[269]¹ Harvard Univ. Lib., Sparks MSS., XII. 185.

² See no. 268, *ante*, nos. 270, 277, *post*.

[270]¹ *N. H. State Papers*, X. 407; *Hist. Magazine*, XXIII. 174.

After sundry manouvres, Congress informed them by a Resolution yesterday, (Augst 20th) That it would be an indispensable preliminary to their Independence and being admitted into the union, that they relinquished all pretensions east of the west banks of Connecticut river, etc.²

The committee will return home to consult their constituents. The enclosed paper will give you good news.

271. JAMES MITCHELL VARNUM TO GEORGE WASHINGTON.¹

August 23d, 1781.

Sir,

Your Excellency's Letters to Congress inclosing the Memorial from the Officers of the Rhode Island and Connecticut Lines, respecting Promotions in their District to the Rank of Brigadier General, is before the Committee mentioned in my Letter of the 20th instant. Upon the present Arrangement, their Claim appears well founded; But should the proposed Alteration take Place, Promotions will probably be deferred. However, I am confident your Excellency's Sentiments upon these Subjects will have essential Influence.²

272. JAMES LOVELL TO MRS. ELIZABETH DANA.¹

August 23, 1781.

. . . . Mr. Dana was well May 28th. Capt. Mason left the Texel the 29 and got safely to these Capes, when he was taken and carried to Bermudas, from whence he arrived this morning at Philada. He had been obliged on the 8th of June to destroy a very large Bag of Letters, when on the point of being taken by the *Suffolk* man of war. He was detained on board 5 hours, but by certain arts avoided being known as American property: The *Suffolk* was with three other Ships of the Line convoying 65 Sail from Jamaica, and had, three days before, taken the *Marq de Fayette*, which was in company; having fought well 3 hours before she struck: It is an h[e]avy Loss in Soldiers, Cloathing, etc.

Within half a week of the sailing of Captain Mason from the Texel Mr. Adams had gone into a vast change of Living; from a course of private Lodging with command of two rooms, He took a grand House rolled his Chariot multiplied his Servants and put on the minister plenipo: without any other Explanation than what the free publication of his memorial in all the Gazettes naturally gave. The general persuasion was that their High mightinesses were fully decided to declare in our favour.²

. . . .

² See nos. 268, 269, *ante*.

[271]¹ Library of Congress, Washington Papers.

² The letter of Washington referred to is dated Aug. 17 and was read in Congress Aug. 22. The draft is in the Washington Papers. The memorial, signed by Samuel Holden Parsons and others and bearing date Aug. 15, is *ibid*.

[272]¹ *Royal Gazette*, Sept. 12, 1781.

² See no. 274, *post*. The *Pennsylvania Gazette* of Aug. 29 says, "By a gentleman who left the Texel about the 28th of May last we learn"—giving somewhat the same account as given by Captain Mason to Lovell.

273. JOHN MATHEWS TO NATHANAEL GREENE.¹

[August 23, 28, 1781.]

*August 23.*² I can now with confidence Assure you, that a french fleet is hourly expected on our coast—that their operations will first be southwardly—that Chs. Town is a main object—whether previous or subsequent to an attack in Cheasepeak, must depend on circumstances. The operating force will be respectable both by Sea and land. My information is not derived from Congress. (Yet it is not to be doubted) therefore the Com'tee do not write to you, but I thought it so important, that I should have been inexcusable as a friend, not to give you the earliest communication of it, especially by so safe and good an opportunity, as you will thereby be enabled to anticipate the measures that will be necessary to be taken by you, in so interesting a conjuncture, that is to say, as far as your slender means can apply. S[h]ould you not have received official information before this reaches you, I think you may venture to act on what I now give you, as derived from the most authentic source.

The prospect brightens my friend! and opens to us the most flattering view of the end of all our toils, that I have yet seen, since the commencement of the revolution. Whether the year 1781 will be the oera of America's substantial independence I will not venture to pronounce, but a secret impulse informs me, that it will be the grand Epocha of her glory: when her arms will acquire the highest renown, and raise her into consequence among the nations of the earth; and each one shall court her as the favourite Mistress of the day.³ . . .

Augt. 28. P. S.—Since writing the above, a frigate has arrived at Boston from Breast. Two large ships sailed under her convoy, loaden with Stores for us, unluck[i]ly one of them got dismasted, and was obliged to put back, the other is safe arrived. The contents of her cargo we are not as yet acquainted with. The Ministers dispatches (as far as he has thought proper to communicate) contain the following advices. "This frigate sailed with the grand fleet of France from Breast on the 23 June under the Command of Count D'Guichen, he parted with them five days after, when they bore away to join the Spanish fleet off Cadiz; the destination of the combined fleets was a profound secret. . . .

Great events are in the womb of time. I hope Madam is so far gone, that she will produce soon, when we shall be able to judge what sort of brat it is. . . .

274. JAMES LOVELL TO MRS. ABIGAIL ADAMS.¹

August 24, 1781.

After giving a few lines for you yesterday to the Commissary General of Prisoners who was going for Boston; I held Conversation with a Capt. Mason who had just landed from a Flag of Truce of Bermuda. . . .

[273]¹ William L. Clements Library, Greene Papers.² See no. 250, *ante*.³ Following this passage Mathews indulges in what he himself calls "heroics, soliloquies, etc., etc."[274]¹ *Royal Gazette*, Sept. 8, 1781.

Capt. Mason mentions that about three days before he left Holland Mr. Adams had made a very great change as to an exhibition of character, had taken a large house proper equipage and servants; and it was not doubted to be according to the wishes and designs of their High Mightinesses. I conclude from my memorandum book that Mr. A. must have recd. at that Period our Resolves and Instructions respecting the Completion of the Union, March 1st by the signature of Maryland to the articles.

you may expect Commod: Gillon momentarily in a ship of 24 42 pounders on one deck. There is also a Capt. Eden or something like it bound for Boston. People connected Mr. a's appearance with a certain proceeding of Gillon, and judged both originating in the Government there. Gillon very suddenly unloaded known *private* property and received other Goods at the same Hours, one Shallop going and another coming constantly.²

The memorial of mr. a. is spoken of by Capt. Mason, as it is by Mr. Carmichael, very familiarly, both conceiving we have it amongst us, but we only see it hinted at sneeringly in British papers. Is not this vexatious to us Evites?³

rationaly respectfully, Mistriss Adams's humble Servant

J. S. [J. L.]

275. THE PRESIDENT OF CONGRESS TO CERTAIN STATES.¹

Sir,

The Act of Congress of the 23d instant, of which you have a Copy inclosed, was occasioned by five States being unrepresented on this important period. We are at the Eve of great events, and the collected wisdom of the United States was perhaps seldom more wanted. I flatter myself therefore the public good will so far prevail over every other consideration that the Delegates from your States, or two of them at least, will give their attendance without delay.

Your good offices on this occasion will, I rest assured, be successfully exerted.

PHILADELPHIA August 25, 1781.

² See no. 272, *ante*, no. 341, *post*, and the *Journals*, Nov. 1, 1782.

³ Adams's memorial to the States General, dated Apr. 19, is in Wharton, *Rev. Dipl. Corr.*, IV. 370; his memorial to the Prince of Orange, the same date, is *ibid.*, p. 376. Concerning his course of procedure at this time see his letter to Franklin Apr. 27 (*ibid.*, p. 390), Dumas to Congress May 1-July 13 (*ibid.*, p. 393), Adams to Congress May 3, 7, 16 (*ibid.*, pp. 398, 401, 419). With his letter of May 16 he transmits copies of his memorials and mentions that that to the States General had been published. This letter was read in Congress Oct. 3. Cf. the report of the committee on Luzerne's memorials, in the *Journals*, Sept. 21 (especially p. 993).

[275]¹ Copied from the original to President Weare (marked "Duplicate"), then in the possession of Mr. Stan. V. Henkels of Philadelphia; Library of Congress, President's Letter-Book, p. 67; Hist. Soc. of Pa., McKean Papers, I. 91 (draft). The letter-book copy is addressed, "For His Excellency Governor Livingston". At the foot is, "N. B. The like to Governors Trumbull and Burke and Presidents Rodney and Weare". The letter to Governor Trumbull was intercepted and published in the *Royal Gazette* Sept. 8.

276. THE PRESIDENT OF CONGRESS TO THE PRESIDENT OF PENNSYLVANIA (JOSEPH REED).¹

PHILADA. August 25th 1781.

Sir,

I have the honor to inclose you the copy of an Act of Congress of the 23d instant, which I trust will be pleasing to the parties concerned.

A multitude of other business of more importance has delayed this act of Justice rather too long, but if the owners of the leaden spouts taken for the public use are paid the full value of them even at this time, I would hope they will excuse the omission hitherto.²

277. ELIAS BOUDINOT TO THE GOVERNOR OF NEW JERSEY (WILLIAM LIVINGSTON).¹

D'r Sir,

I think it my Duty on every great national Question especially that are of general Importance and in which the Welfare of the union is concerned, to keep the Legislature informed of the proceedings in Congress and particularly of the Conduct of their Delegates that nothing of Consequence may be done by them contrary to the sense of their Constituents. It would indeed be an advantageous Circumstance for the State, was a committee of Correspondence appointed in the recess of the Legislature, thro whom mutual Information might be kept up between the Delegates in Congress and the State. Suffer me on this Occasion officially to trouble your Exc'y with some late Transactions in Congress relating to the State of Vermont so called, in which I apprehend the united States are particularly interested, and which in the End are likely to involve the States in a civil war, and to beg your Exc'y to lay the same before the Legislature at their next Meeting. When I took my seat in Congress last July, I found that frequent Applications had been made to Congress by the States of New York and N Hampshire in order to settle the Line between the two States on the West of Connecticut River, by which a Tract of Land of about 100 Miles long and [?5]0 broad claimed by the Inhabitants as an independent State, would be included in one or both of those States. The inhabitants stiling themselves the State of Vermont made application to be recognized an Independant State and received into the Union, engaging to fulfill equal Duties to any State in the union agreeable to the Constitution. The States of New York and N Hampshire insisted that this tract of Country had been part of the one or both of those Colonies and still belong to one or both of them as States and therefore could not be dismembered by Congress. The People by their Agents insisted that they

[276]¹ Library of Congress, President's Letter-Book, p. 68; *Pa. Arch.*, first ser., IX. 370; N. Y. Pub. Lib., Misc. MSS., McKean.

² As shown by the *Journals*, Aug. 23, this action took its rise from a report of the board of war, July 24, 1779, on a matter referred to the board July 16, 1779. This is one of a long list of reports which had not been acted upon, drawn up by a committee appointed July 25, 1781. The "leaden spouts" mentioned had been taken in accordance with a resolution of the supreme executive council of Pennsylvania, Aug. 27, 1777, in pursuance of a resolution of Congress Aug. 26, 1777.

[277]¹ Hist. Soc. of Pa., Boudinot Papers, II. 82 (draft).

being oppressed by the late Colony of New York had opposed her Government previous to the Revolution—that they were the first to begin the Revolution—That they took the fortress of Ticonderoga and Crown point—That at the Revolution they were in a State of Nature—That they then set up a new Government and have ever since been in the actual Possession of Sovereign Power—That they have a Legislature, have enacted Laws, erected Court of Justice, levied Men—That they have done their Part in the comon cause—That they fought the Battle of Bennington and finally that they would not submit the Question of their Independance to any Jurisdiction or Power on Earth and therefore protested agt. all Right in Congress to determine that Question, but in case they were represented in that Body, they would submit to the Terms of the Confederation on every Point. The Claim extended from the west of Connecticut River to a Line 20 Miles East of North River and from Massachusetts South to north Latitude 45° North. Congress had engaged to proceed to the Settlement of the Dispute on a certain Day, but finding the Matter of too ser[ious] a Nature to trifle with and that the consequence might involve the states in a bloody civil war at a very critical and important period and that on a Question whether the Inhabitants of sd. Territory should govern themselves or be governed by others agt. their Will, and considering that all Government was for the happiness of the People, postponed this Question and so it remained on July last. About this Time Application was made to Congress by the Governor of N. Hampshire complaining of the Incroachm't of those People and praying the Aid of Congress; this was committed with a former report of a Committee to another Committee, who having fully considered the Matter and reported to Congress the whole was taken up in a new point of Light.²

PHIL. Augt [25,] 1781³

278. THE PRESIDENT OF CONGRESS TO NATHANAEL GREENE.¹

PHILADA. August 28th, 1781.

Sir,

Since I had the honor of writing to you on the 26th day of July last I received your favors of the 17th and 19th of July, and of the 29th of May, the two former came to hand on the 13th of August by Captain Archer, and the latter only on the 20th of August; in so dilatory a manner have they been conveyed, tho' by Expresses. These letters have been laid before Congress, who were pleased with the intelligence, and caused the contents to be immediately published.²

I have nothing at present to communicate by authority; but we are at the Eve of great events. Our intelligence from Europe is very flattering, and our prospects at home are exceeding fair. . . .

² See nos. 261, 264, 268-270, *ante*, 284, 285, 303, 304, *post*.

³ This draft is endorsed, "Govr. Livingston abt Vermont 25 Augt. 1781".

[278]¹ Library of Congress, President's Letter-Book, p. 68; Hist. Soc. of Pa., McKean Papers, I. 94 (draft).

² The letters were referred, Aug. 13 and 20, to the committee of intelligence. That of July 17 was printed in a "Postscript" to the *Pennsylvania Packet* Aug. 14, in the regular edition of the *Packet* Aug. 16, and in the *Gazette* Aug. 15. The letter of May 29, with enclosures, was printed in the *Packet* Aug. 21.

279. SAMUEL OSGOOD TO JOHN LOWELL.¹

PHILADELPHIA, August 28, 1781.

Dear Sir,

As the General Court of Massachusetts will meet about the time this will reach you, I am induced to write you respecting the letter from a committee of our legislature to their Delegates in Congress. The letter is now referred to the financier; and it seems to be the intention of Congress that he should have the arrangement of the finances. I have had a little conversation with him, and find it to be his prevailing opinion, that the resolve of the 18th of March must be adhered to; so far as it respects calling in the old money at least: and that a farther day should be given, after which the delinquent States shall be held to pay to the United States specie in lieu of the old money, making twenty old continental dollars equal to one dollar in specie, agreeable to the principles of said resolve. Whether, if the Financier proposes a rigid adherence to said resolve, it will meet with the approbation of Congress time only will determine. I flatter myself the Financier is not unacquainted with our exertions, and that he is heartily disposed to adjust matters equitably between the States; it lays with him, and I believe he is fully impressed with the necessity of a speedy settlement of the accounts of the States; more especially since the resolves of the 25th of February (respecting specified requisitions) and of the 18th of March, 1780; until he has made his arrangements no step can be taken by Congress. I hope this will be done, so that the legislature may be furnished therewith at their next session. I have no doubt but Mr. Morris will render us great service, and I hope we shall use our utmost endeavours to support him.

As soon as any thing of consequence turns up, upon this subject, I shall do myself the pleasure to communicate it.²

N. B. This State's new money of the 18th of March, passes at 2½ for one; no other State's money passes here.

280. THE RHODE ISLAND DELEGATES TO THE GOVERNOR OF RHODE ISLAND (WILLIAM GREENE).¹

PHILADELPHIA, 28th August, 1781.

Sir,

We have been honored with your Excellency's Letter of the 13th Instant. Since our Letter of the 24th July, nothing very material has occurred, saving Gen. Washington's crossing the Hudson River. This Movement is pregnant with great Events. Should Count de Grasse soon arrive with a large Fleet, as far as human Wisdom can determine, the Campaign will

[279]¹ *Royal Gazette*, Sept. 29, 1781.

² See no. 193, *ante*, and the *Journals*, June 27, July 16, Aug. 7, 23. On the same day that Osgood was writing, the superintendent of finance wrote at length to Congress on the same subject (Wharton, *Rev. Dipl. Corr.*, IV. 667), mentioning in his letter a report of Aug. 14 on the Massachusetts letters. This was probably the report brought in Aug. 7. Morris's letter of Aug. 28 was not however presented until Nov. 5. See no. 254, *ante*, no. 312, *post*.

[280]¹ *Royal Gazette*, Sept. 12, 1781 (signed by Mowry and Varnum).

terminate gloriously. We hope it will. For altho' our Situation wears an infinitely better Aspect than it did some Time since, yet our Debts are daily augmenting, and no Money produced into the general Treasury. The British are amazingly distressed in the East Indies, and the French Squadron having met with and defeated Commodore Johnston's Squadron, will probably compleat their Ruin in that quarter. The Brest Fleet, commanded by Count Guichen, sailed on the 23d of June last to join the Spanish; so that we may expect the Channel is awed, and the homeward bound Jamaica Fleet in danger of Capture. Mr. Mowry has delivered the Tickets mentioned in your Excellency's Letter.

P. S. We are unhappy in informing your Excellency that by the great Accession of People to this Place of late, the Price of living has been greatly increased; and we shall soon be under the Necessity of drawing upon the State.

281. ROGER SHERMAN TO OLIVER ELLSWORTH.¹

PHILADELPHIA, August 28, 1781.

Sir,

Enclosed is a letter from Mr. Law directed to you on public service, which I took the liberty to open, wherein he writes that he can't come to Congress 'till October.² 'tis necessary that one or more should come forthwith, as but eight States are now represented. Congress desired the President last week to write to the Executive of the States not represented to send Delegates immediately. Nothing remarkable has occurred here since your departure, Nor have we recd. any news from abroad. Col. Floyd has wrote to N. York Delegates a lamentable story about the depredations made on Long-Island, under commission from Gov. Trumbull, which makes unfavourable impressions which I wish to be able to remove. I believe you took Gov. Trumbull's letter to Gov. Clinton home with you, or I should have it read in Congress. I conclude the Commissions will be revoked upon receiving the late resolution of Congress.³ I enclose you a number of papers but not much news. Should be glad to hear from you.

P. S. I hope care will be taken to forward some money to me very speedily. any aid from you therein will be greatly acknowledged. R. S.

282. JAMES DUANE TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

PHILADELPHIA, August 28, 1781.

Dear Sir,

We have no letters from General Greene since my last, altho' reports give him new advantages. . . .

[281]¹ *Royal Gazette*, Sept. 12, 1781.

² Law's letter to Ellsworth, dated at Danbury, Aug. 21, and printed in the same issue of the *Royal Gazette*, was principally to say that it was not in his power to attend Congress until sometime in October.

³ See nos. 225, 239, 251, 260, *ante*, 282, 284, 285, 303, 304, *post*.

[282]¹ *Royal Gazette*, Sept. 12, 1781.

We have a long representation from Colonel Floyd respecting the grievances of our friends on Long-Island. It will be the basis of some further resolutions which will go to the bottom of the mischief.² We are ordered to press Congress to establish our Western boundary, so that we may rest secure from Eastern claims or intrusion. I am taking the previous steps.

P. S. We wish to learn which of our public or private Letters have got safe to hand.

283. JAMES DUANE TO ROBERT R. LIVINGSTON.¹

PHILADELPHIA, Aug. 28, 1781.

Dear Sir,

Not one of your friends have heard from you since your appointment to the office of Secretary for foreign affairs. I have written to you on the subject by three different conveyances. We are all at a loss for your silence. The President informed me that he notified you officially by the way of head-quarters. At this juncture, delay is unfortunate, as the fullest point of our administration is in our foreign affairs and the Remedy at length applied has long been loudly called for. I have much to say to you on this subject, but it shall be deferred for a personal interview.²

Our prospects abroad and at home are agreeable tho' nothing has lately occurred worth the detail but what the papers communicate.

284. EZRA L'HOMMEDIEU TO WILLIAM FLOYD.¹

[August 28(?), 1781.]

Sir,

This day I was favoured with your letter of the 16th of this instant, which is the first time I have heard from Home, and the only letter from thence that I have received since I have been here. I informed you some-time ago of the Resolution of Congress desiring Governor Trumbull immediately to recall the Commissions he had granted. if I have time to take a copy I will send you one inclosed. it was expected he would put a sudden stop to the Plundering, although I much question whether he will or not. The Instructions to Captains or Commanders of armed Vessels commissioned, in pursuance of the ordinance on the 27th of March, limits the Captures to the High Seas, or between high and low water marks. This was supposed by Congress to be a full explanation of the ordinance, and they would not believe but it would prevent any misconstruction thereafter.

I shall endeavour to get something more pointed if possible, tho I much Question whether any resolution will be so much regarded in Connecticut as to prevent their plundering. Retalliation from the State of New-York

² See no. 281, *ante*.

[283]¹ *Royal Gazette*, Sept. 12, 1781.

² See no. 243, *ante*, no. 299, *post*.

[284]¹ *Royal Gazette*, Sept. 12, 1781.

will be the only thing that will prevent it. The Law of the Land is now plainly against it, and I am very sure there will be no kind of Difficulty in reversing the Judgments that have been obtained by the Admiralty, in the Court of appeals.² I wrote to you before that Congress refused to determine the Dispute with Vermont on the Principles engaged by the Resolution of the 12th of Sept. 1779 but have proceeded upon the Principles of Expediency, and have proposed recognizing their Independence and admitting them into the foederal Union if Terms can be agreed on. one Preliminary is that they relinquish all Jurisdiction or Claim on the East Side of Connecticut River and Seventy [twenty] Miles East of Hudson's River. what those people will determine on I know not, but to me it is pro[ba]ble that this Tract of Country will be sacrificed and lost to New-York, to answer the avaricious Views of some States. the Conduct of our legislature at Albany last winter and the Influence of some of our Principal People in the State since had greatly tended to bring this Business to its present State.³ I conclude that I cannot give you news more than you will have to the Eastward and in the inclosed Papers. The Prospect of Peace does not appear to be so near as it did sometime ago; and the prospect of taking New-York this campaign is very small, tho' upon a general View of our affairs in Europe and America, our Prospects are very flattering. I conclude you have thought it strange that the Main Army should leave the State of New-York, which is reported here to be the Case. I make no doubt notwithstanding we may be disappointed in our Expectations of taking New York the Campaign will terminate greatly in our favour.

285. EZRA L'HOMMEDIEU TO DAVID GELSTON.¹

PHILADELPHIA, August 28, 1781.

Dear Sir,

With respect to Gov. Trumbull's Commissions by a late Resolve of Congress, he is desired immediately to recall them, which I conclude he has done before now. I am confident every Judgment obtained in the Courts of Admiralty on Captures by those Commissions, will be reversed by the Court of Appeals. 'tis unfortunate for our People that the Court will not probably sit in Connecticut soon. I think it will be best for them to have the appeals determined here, as a Delay may be injurious to them.² At my Arrival here I found a general Disposition to recognize the Independence of Vermont, and to admit them into the Foederal union on certain Conditions, and to take up the Business on the principle of Expediency separate from the merits of the Cause. I have not Time to inform you of the various motives that probably induced the different States to countenance this Measure, but undoubtedly the Conduct of the Members of our Legislature, at least some of them, last Winter at Albany,

² See no. 281, *ante*.

³ See nos. 268-270, *ante*, 285, 303, 304, *post*.

[285]¹ *Royal Gazette*, Sept. 15, 1781 (addressed, "David Gelston, Esq; East Had-dam").

² See no. 281, *ante*.

has had its full effect here, and I think it more than probable that New-York will be obliged to sacrifice her rights for what may be called the general Good, but more properly to answer the ambitious and avaritious Views of some particular States and Individuals. . . .

286. THE VIRGINIA DELEGATES TO THE GOVERNOR OF VIRGINIA
(THOMAS NELSON).¹

PHILADA. Aug't 28th, 1781.

Sir,

We were yesterday favored with your Excellency's two letters of the 10th and 17th instant.² Our plan of writing weekly by the post has we assure you been in no instance departed from.

As soon as a State of your advances to the prisoners brought from Charlestown arrives we shall endeavour to obtain a reimbursement of them. At the same time it is incumbent on us to apprize you that the present condition of the public Treasury, and the pretensions of almost every state to exertions and contributions beyond its just proportions which would warrant similar applications, forbid much reliance on our success. The force of these obstacles has just been experienced in the impracticability of obtaining for General Spotswood a small sum assigned over to him by a Citizen of Virginia to whom it was due from the United States.³ The danger of increasing the importunities and discontent of the public Creditors by such a precedent, and the appropriation of every fund to the essential purposes of the Campaign from which it is surmized relief must eventually accrue to Virginia, prevailed over every consideration drawn from the justice of the demand and the use to which it was destined. So uncertain indeed must be the reimbursement of all advances made for the U. States whilst our means continue so inadequate to the general expenditures, that the State will be justified in declining them in every instance where humanity and the most essential objects will admit. To prevent however as much as possible objections to repayment in cases where they cannot be avoided, we request the attention of Your Excellency to the keeping us well informed of the compliance of Virginia with the several requisitions of Congress, and of all such extraordinary supplies as may from time to time be derived from her. . . .

287. JOHN WITHERSPOON TO SAMUEL HUNTINGTON.¹

PHILADELPHIA, August 29, 1781.

Dear Sir,

I beg leave to congratulate you on your safe return to your friends, of which I have been made acquainted from various quarters.

[286]¹ Hist. Soc. of Pa., Dreer Coll., M. O. C., III. 21 (in the writing of Joseph Jones, signed by Jones, Madison, Bland, and Randolph).

² A letter from Governor Nelson to the President of Congress Aug. 10, read in Congress Aug. 27, is in *Official Letters*, III. 22. No letter of the 17th, either to Congress or the delegates, is found there.

³ See the *Journals*, Aug. 21, 27.

[287]¹ *Royal Gazette*, Sept. 8, 1781.

With great satisfaction I observe by the public papers the joyful and honorable reception you met with on your arrival, so expressive of that affection and approbation, which to you, will be the most grateful tribute of praise your country can bestow, and, next to a consciousness of having laboured how to establish the liberties of America, will be the greatest happiness you can enjoy.

There has been reason for some days, hourly to expect an account of the arrival of 23 French ships of the line in Chesapeake Bay, but we have not yet been favoured with such intelligence.

The letters last received from General Greene, which are of a very old date, are published in the inclosed paper.

M. de Marbois desires to know what became of the pamphlet which contained General Burgoyne's history of his campaign of 1777.

I should be happy to hear of the reestablishment of your health. Be pleased to present my compliments to Mrs. Huntington and Miss Fanny.²

P. S. A letter is sent by order of Congress to Governor Trumbull desiring that Delegates may attend from your State, and the same to N. Hampshire, New Jersey, Delaware and N. Carolina.

288. THE PRESIDENT OF CONGRESS TO THE PRESIDENT OF PENNSYLVANIA
(JOSEPH REED).¹

PHILADA. August 30th, 1781.

Sir,

Your Excellency has inclosed herewith an act of Congress of yesterday, together with a letter from Major General St. Clair, to be laid before Council. It gives the greatest uneasiness to Congress that their funds at present will not enable them to expedite the march of the Troops mentioned by the General, but they hope you will be able to devise some means to accomplish this desirable purpose.²

289. WILLIAM SHARPE TO GEORGE WASHINGTON.¹

PHILADELPHIA Sepr. 1st 1781.

Sir,

I beg leave to call the attention of your Excellency for a moment to the State of North Carolina respecting a quantity of arms which I conceive essential for her immediate defence.

On the 26th of April last Congress gave the following order, "That the board of war cause the rampart muskets in their possession to be repaired and forwarded with all possible dispatch to the executives of Virginia and North Carolina a quantity not exceeding two thousand to each State

² The letter is signed "D. Witherspoon" (no doubt the "D" is a printer's error), but it is evidently by Dr. John Witherspoon.

[288]¹ Library of Congress, President's Letter-Book, p. 69; Hist. Soc. of Pa., McKean Papers, I. 97.

² See the *Journals*, Aug. 28 (pp. 913, 916), 29 (pp. 916, 918).

[289]¹ Library of Congress, Washington Papers.

charging to the said States respectively the value of the muskets with the expence of repairing and transporting them."

As Virginia was soon after invaded by a large body of the enemy, the first of those arms that could be repaired were sent to that State, which enabled her to support the Marquis so effectually as to oblige the enemy to retreat from the upper country. The remainder of the old arms required so much repairing that it was impossible to get those intended for North Carolina forwarded as soon as could be wished.

About three weeks ago, when it was reported that Lord Cornwallis intended to come up the bay to Baltimore, on a request of the Govr. of Maryland, five hundred of those arms intended for North Carolina were immediately sent down to Baltimore for the defence of that State.

There are now near one thousand muskets and I believe fifteen hundred cartouch boxes and a quantity of fixed amunition ready for transportation to North Carolina. On the application of Genl. Knox, the board of war reported and Congress concurred therewith yesterday that those arms should be forwarded to the southern army and be subject to the disposal of the Commander in Chief or the commanding officer of the southern department, the order of the 26th of April notwithstanding.

North Carolina is so destitute of arms, the causes of which need not now be enumerated, that she is not able to arm one third of the new levies raised, in the state, nor can she arm her militia to any considerable amount.

The order of the 26. of April with all the ulterior proceedings and stages of this business have been accurately communicated to the State by her delegates here and it has reason to expect those arms etc. are by this time on the way.

Your Excellency will therefore easily conceive how painful and disagreeable the resolution of yesterday will be when the government is informed of it.

I have thought it my duty to inform you of these circumstances and beg leave to add, an assurance that myself and the state which I have the honor to represent have entire confidence in your abilities and disposition to support and defend every State in the union.

290. THE PRESIDENT OF CONGRESS TO THE COMTE DE ROCHAMBEAU.¹

PHILADA. September 4th, 1781.

Sir,

I have the honor to express to your Excellency the satisfaction of Congress in the compliment which has been paid to them by the Troops of his most Christian Majesty under your Command. The brilliant appearance, and exact discipline of the several Corps do the highest honor to their Officers, and afford a happy presage of the most distinguished services in a cause which they have so zealously espoused.

[290]¹ Library of Congress, President's Letter-Book, p. 70; Hist. Soc. of Pa., McKean Papers, I. 98.

291. THOMAS MCKEAN TO ARTHUR LEE.¹

Sir,

PHILADELPHIA, September 4th, 1781.

. . . .² The Court of France have really exerted themselves, far beyond any thing done heretofore, and have given full proof, how much they have our Independence at heart. In a few weeks more, I trust, I shall have it in my power to mention additional evidences of their most faithful attachment. The King has written a very friendly letter to Congress, and presented their special Minister Colo. Laurens with an elegant gold box, having his picture in the lid, ornamented with diamonds, etc., nearly resembling the one you had the honor of receiving.

On Saturday last, about one o'clock P. M., Sir Samuel Hood, with 22 ships of the line, was seen, about 25 miles Southward of Shrewsbury, steering to the Southward; I suppose for Cheseapeake. In all probability we shall soon hear of a Sea Engagement. We are at the eve of great events; may God grant them to be prosperous to us, and that they may terminate in securing to us, peace, liberty, and safety.

292. THOMAS MCKEAN TO RICHARD HENRY LEE.¹

Sept. 4, 1781.

The deranged state of our finances has given us infinite trouble and concern; a new plan has been adopted which is published in the newspapers, to which I shall refer you. If it can be carried into execution it will be a great relief to us, and I see nothing else left, but for every whig to exert himself in its support. There is no great prospect of peace, though the late intelligence from Europe is otherwise favourable, I suspect that Mr. Temple, (who came over in 1778 with Doctor Berkenhout,) will shortly venture here again, with propositions, (perhaps secret,) to acknowledge the independence of the states, except South Carolina and Georgia, and that part of Massachusetts, formerly called the province of Maine, on conditions of our neutrality between Britain and Spain; he is to have power to call on two merchants in London, of his own nomination, *ad libitum*. . . .

293. THE VIRGINIA DELEGATES TO THE GOVERNOR OF VIRGINIA
(THOMAS NELSON).¹

Sir,

PHILADELPHIA Sept. 4th 1781.

. . . . We have the pleasure to inform you that General Washington with a part of the American army, and the Count de Rochambeau with

[291]¹ Am. Phil. Soc., Lee Papers, II. 224, no. 61; R. H. Lee, *Life of Richard Henry Lee*, II. 178.

² Omitted passages speak of the march of the armies through Philadelphia and the arrival of John Laurens from his mission. Samuel Adams wrote McKean Aug. 29: "Colo. John Laurens with our Friend Mr. Pain arrivd here a few Days ago from France. He left the Town the Day After his arrival. His Visit to me was so short that I could not converse with him so fully as I wishd. I hope he will be able to inform you of his complete Success in his Negotiation" (*Writings*, ed. Cushing, IV. 260). Cf. nos. 292, 300, *post*.

[292]¹ R. H. Lee, *Life of Richard Henry Lee*, II. 176 (extract).

[293]¹ Va. State Lib., Executive Papers; *Cal. Va. State Papers*, II. 388. The letter is signed by Jones, Madison, and Bland.

the whole of the French are thus far on their way to Virginia. The American troops passed through the Town on Sunday, the first division of the French yesterday and the second will follow them tomorrow. The fine appearance they make as men, the perfection of their discipline as soldiers, and the zealous attachment they manifest to the Allies of their Sovereign authorise the highest expectations from their services in the field. . . .

Yesterday returned to this place Col. John Laurens from his special Mission to the Court of France. Although his success has not fully corresponded with our wishes, he has brought with him very *substantial* proofs of the friendship and generosity of our Ally.² . . .

294. SAMUEL LIVERMORE TO THE PRESIDENT OF NEW HAMPSHIRE
(MESHECH WEARE).¹

Dear Sir,

PHILADA. Sept. 4 1781.

. . . Genl. Washington is here and a large division of the army daily passing thro'. I had yesterday the pleasure to See the first division of the French. They marched through Front and Chesnut streets by the state house and so out to the Common where they encamped. The members of Congress were at the door of the state house and recd. from the officers of the army as they passed a royal salute. The ceremony on their part was to let fall the point of the sword, likewise the colours, and the members of Congress took off their hats. The engaging figure and behaviour of the officers of all ranks, their dress, the cavalry, musick, arms, artillery, the figure and behaviour of the privates, and the uniform motion of the whole, afforded the most pleasing prospect of the kind I ever saw.² . . .

[P. S.] I had the pleasure of seeing Genl. Hazzen, Col Dearburn and Mr. Gilman of Exeter on their way through the city.

When Col Lawrence took leave of the king of France he was presented with a gold box, with the kings portrait, set round with brilliants, the most beautiful box I ever saw.

295. THE RHODE ISLAND DELEGATES TO THE GOVERNOR OF
RHODE ISLAND (WILLIAM GREENE).¹

Sir,

PHILADELPHIA 4th Sept. 1781.

. . . We are very desirous of knowing the Resolutions of the State relative to the Duty upon Imports and prises. Had the states readily

² In a letter to Edmund Pendleton Sept. 3 (Library of Congress, Madison Papers, Ac. 1081; *Writings*, I. 158) Madison speaks in nearly the same language of the march of the troops through Philadelphia and of the arrival of Col. John Laurens, correctly stating that Laurens arrived "yesterday" (a letter from Laurens dated Sept. 2, announcing his arrival, was read in Congress Sept. 3). This letter to Nelson which says that Laurens returned "yesterday" may be erroneously dated. Sherman likewise says "yesterday" in his letter to Ellsworth Sept. 4 (no. 297, *post*). See Robert Morris to Franklin, Aug. 28, Sept. 7, in Wharton, *Rev. Dipl. Corr.*, IV. 666, 667.

[294]¹ Mass. Hist. Soc., C 81 B 50.

² In the next paragraph Livermore speaks of the success of John Laurens's mission.
[295]¹ R. I. Arch., Letters to the Governors, 1781-1782, p. 20 (signed by Mowry and Varnum); Staples, *R. I. in Cont. Cong.*, p. 350.

adopted that Measure, we should before this Time, have derived more than an hundred thousand dollars Specie by this Time [*sic*]. One cargo has arrived in this City, which would have paid upwards of seven Thousand Pounds this Currency. When we assure you that not a Farthing of money has been paid into the General Treasury from any of the states, excepting Pennsylvania, for more than a Year Since, you will agree with us that permanent Revenues are absolutely necessary.

296. ROGER SHERMAN TO THE GOVERNOR OF CONNECTICUT
(JONATHAN TRUMBULL).¹

PHILADELPHIA, 4th Sept., 1781.

Sir,

. . . . The Superintendant of Finance is making arrangements to save expence. The Board of Admiralty and the Navy Boards are to be abolished, and the remains of the Navy is to be managed by an agent, with a salary of 1500 dollars per annum, who is allowed one clerk with a salary of 500 dollars. The Board of Treasury and Chambers of Accounts are also to be abolished, and a Controller and a suitable number of Auditors are to be appointed to liquidate the public accounts. The supply of provisions is to be by contract, as soon as matters can be prepared for it.² The Court of France are friendly to our cause and willing to afford us what aids they can, but think we might do more toward carrying on the war from our own resources, without being so dependent for money on France.

It is necessary that one or more delegates should come immediately; there are but eight of the States represented. 'Tis probable that delegates will arrive soon from the State of Vermont. I have enclosed several of the latest news papers, but they dont contain much news.

297. ROGER SHERMAN TO OLIVER ELLSWORTH.¹

PHILADELPHIA Sept. 4th, 1781.

Sir,

Col. John Lawrence arrived here Yesterday from France.² he accomplished the business he was charged with to good satisfaction. he designs now immediately to joyn the army. he has obtained clothing for the army and about 13000 muskets and a considerable quantity of Military stores, besides a sum of money—near two million Livres is arrived. The French army passed thro' this city yesterday toward Virginia. Congress has passed a resolution to put the Navy under the direction of an agent who is allowed one Clerk. the agents Salary 1500 dollars a year.³

[296]¹ Mass. Hist. Soc., *Collections*, seventh ser., III. 266.

² See nos. 304, 313, *post*.

[297]¹ From the original in the Sprague Collection, Congregational Library, London.

² Laurens's arrival in Philadelphia was on Sept. 2. See no. 293, note 2, *ante*. In his letter to the governor (no. 296, *ante*) Sherman speaks in much the same terms of Laurens's mission.

³ See the *Journals*, Aug. 29, Sept. 7.

I dont learn that Col Lawrence brings any news respecting the politics of Europe. I hope to hear from you by the next Post.

I am your very humble Servt.

ROGER SHERMAN

297A. WILLIAM SHARPE TO NATHANAEL GREENE.¹

PHILADELPHIA Sept. 4th, 1781.

*My dear Genl.*²

I have received your favour of the 28th of July by Major Burnet and will pay every mark of attention to that young gentleman.

You will doubtless be informed by the commander in chief of the change in the northern system of military operations. There is nothing wanting to finish a fine prospect, but the safe arival of comte de Grasse, the announcing of which we wait with great anxiety.

Colo. Laurens has arived from france and brought to Boston sixteen thousand eight hundred stand of arms, materials for near ten thousand suits of cloaths, a considerable quantity of military stores, medicines etc. He has also obtained and brought from the coffers of our ally a considerable sum of solid coin, which under the direction of Mr. Morris will give vigor to our military operations. All my aid and industry will be used to furnished you and your little distressed army with some necessaries as soon as possible.

If the naval operations of our ally should prove successful this campaign we have every thing to hope and nothing to fear. I wish the several States could be impressed with the necessity of preparing for a vigorous prosecution of the war for a number of campaigns yet to come as the most effectual way to obtain a speedy and honorable peace.

I hope to set off from this place on my way homeward on the first of next month.³

I shall ever entertain a lively sense of your labors and sufferings and that of your army in the southern department and the very essential services which you have rendered the injured and distressed southern states.

With the most sincere respect and esteem I have the honor to be My dear general

Your most obedient Humble Servt.

WM. SHARPE

[297A]¹ Furnished by the courtesy of Mr. Charles F. Jenkins of Philadelphia.

² Addressed, "The Honorable Major General Greene commanding Southern department favour Mr. Wilkinson".

³ See no. 308, *post*. Samuel Johnston wrote to James Iredell from Hayes, N. C., Sept. 24: "By Mr. Sharpe's letter, which you were so obliging as to forward, I learn that the Commander-in-Chief had raised the siege of New York, and ordered all the French troops, and three thousand Continentals, under the command of Gen. Lincoln, to Virginia; these troops had actually passed through Philadelphia the 3d, and are undoubtedly arrived in Virginia" (*Life of Iredell*, I. 551). Maj. Edward Giles, writing from Annapolis Aug. 31 to Richard Howly, referred to Washington's movement southward, and inquired after the status of the Vermont affair. Hist. Soc. of Pa., Gratz Coll., M. O. C.

298. RICHARD HOWLY TO HORATIO GATES.¹

PHILADELPHIA Aug. [September] 6th, 1781.

My Dear General,

. . . . As General W—— will be so near you, it will give you the opportunity of agreeing on some mode of Determining that which must give you so much anxiety. I am satisfied how pleasing it would be to you to contribute your aid in terminating this great Question of our independence—and indeed the everlasting honors that must attend all who are concerned in this great business, shew the propriety of your taking a part in the close, who bore so great a share in the former stages of this Just war.²

Col. John Laurens is returned from France, having successfully completed the object of his Embassy—in a Word, the affairs of the States never bore so prosperous an appearance as at present. Yet Britain, unfeeling unjust Britain, still pursues her chimera—at the time her Empire in all parts of the world is tumbling to pieces with a precipitation, unknown in any former Era.

299. THE PRESIDENT OF CONGRESS TO ROBERT R. LIVINGSTON.¹

PHILADELPHIA Sep 6 1781.

Sir,

Your favour of the 25th of August last was received on the 3d instant and read in Congress. In answer thereto you will receive enclosed herewith two Acts of Congress of the 10th and 17th of January last, which I hope will be satisfactory.

The Office of Secretary for foreign affairs is one of the most honorable in the gift of Congress, and will not in my opinion be attended with much drudgery; the liberty to attend Congress, and the constant intercourse with the Members, distinguish it from any other, and will I flatter myself, have a tendency to induce your acceptance of it.²

300. THOMAS MCKEAN TO THOMAS RODNEY.¹*Dear Sir,*

Admiral de Grasse, with twenty eight Ships of the line, two 44 and 2 frigates of 32 each, and a cutter of 18 Guns, having on board four thousand Troops, arrived in chesapeake Bay on the 26th of August last. For further particulars I refer you to the Hand-Bill inclosed, which I had struck off on the occasion.

Colo. Laurens has come to Congress and successfully executed his mission as our special Minister at the court of Versailles. He arrived at

[298]¹ N. Y. Hist. Soc., Gates Papers, box 16, no. 61 (addressed, "Honorable Major General Gates, Berkely County Virginia").

² Gates wrote to Jefferson Aug. 2: "A Motion for rescinding the Resolve of the 5th of October has been several times made in Congress, but once to my astonishment was prevented being carried by a Mr. Maddison of This State, a Gentleman I do not know, and who I am satisfied does not know me." Library of Congress, Jefferson Papers.

[299]¹ N. Y. Pub. Lib., Bancroft Coll., Livingston Papers; Hist. Soc. of Pa., McKean Papers, I. 102 (draft); Library of Congress, President's Letter-Book, p. 72.

² Livingston's letter of Aug. 25 is in Wharton, *Rev. Dipl. Corr.*, IV. 661. A letter of acceptance, dated Sept. 23, is *ibid.*, p. 727. See however the *Journals*, Oct. 1.

[300]¹ Copied from the original, then in the possession of Mr. Stan. V. Henkels of Philadelphia.

Boston on the 26th of August in the frigate *Resolute*,² and was accompanied by three others: They are loaded with arms, amunition, ordnance, cloathing etc. for our army, and he has besides brought over a large sum of money in specie; the amount I am not at liberty to mention, but I can tell you it is more than one hundred thousand pounds sterling, and that more is expected.³

PHILADELPHIA, September 6, 1781.

301. EDMUND RANDOLPH TO THOMAS JEFFERSON.¹

Dear Sir,

PHILADELPHIA Sept. 7, 1781.

By the last post I suggested to you that our European affairs would probably bear greater delay than you apprehended. What you call your temporary disability will be removed early enough to allow you to reach France by January. From Colo. Laurens's account I am induced to believe, that Great Britain will never admit an American plenipotentiary into the congress before which a general pacification is to be agitated. until some humiliating stroke of war, and until such admission, France will not negotiate on the subject. These considerations fully answer your objection, and gives me an opportunity of wishing for authority to say, that you will embark upon the embassy.²

302. EZRA L'HOMMEDIEU TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

Sir,

PHILADELPHIA, September 7, 1781.

. . . . By a letter from the Marquis Lefayette to the Minister received last Evening, the Count De Grasse arrived on the thirty first, had landed 5000 Men including Marines. . . . We are anxious to hear of Count de Barras with his fleet from Rhode Island, who sailed from thence the 25th as was said, to join De Grasse. General Washington was at the Head of Elke yesterday about noon. . . . Our expectations are greatly raised. . . . Colo. Lawrence has returned from France and has been very successful in his Embassy of which I shall inform you by Colo. Hay, who has been necessarily detained longer than he expected, but probably will set of next Day after tomorrow.²

303. EZRA L'HOMMEDIEU TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

Dear Sir,

PHILADELPHIA, September 8, 1781.

I have been honored with your private letter of the 26th of August, and your official one of the same date (by Colo. Hay) for which I have

² In his letter to Arthur Lee (no. 291, *ante*, passage omitted) McKean calls the ship the *Resolution*. The name was actually *Resolue*.

³ Cf. no. 293, *ante*.

[301]¹ Library of J. Pierpont Morgan, Autographs, p. 77.

² Jefferson replied Sept. 16 (*Writings*, III. 49). See no. 263, *ante*, no. 419, note 2, *post*.

[302]¹ *Clinton Papers*, VII. 308.

² See no. 240, note 2, *ante*, nos. 303, 304, *post*.

[303]¹ Harvard Univ. Lib., Sparks MSS., XII. 192 (marked "private").

many thanks to return.² I readily agree with you that so flagrant a breach of faith and violation of the Confederation, so soon after its ratification, as the late proceedings relative to the New Hampshire Grants has a tendency to destroy all confidence in that body whose engagements ought to be held sacred. When the principles of justice once give way to those of expediency it is impossible to tell where the evil will end. Some of the Southern States although they voted for the present measures are very fearful of the consequences; and anticipate the evils that may befall their own States in consequence thereof. Had not the Southern States been invaded, 'tis my opinion, we should not have seen the present resolution; by this the New England States acquired an importance they never experienced before. I think it more than probable, that after the return of the agents from Vermont, if they should propose terms which should be thought reasonable many of the States would endeavor to refer it to New York and New Hampshire with recommendation to relinquish their several jurisdictions (the Massachusetts having already passed a law for that purpose). I am more induced to believe this will be attempted, as many gentlemen from the Southward are fully of opinion that Congress has no authority to admit those people into the Federal Union as a separate State on the present principles. Since the departure of Ira Allen and his associates, we have had a very thin Congress, when before there was twelve States represented and one member from the thirteenth, which shews what pains were taken to carry a favorite point to the New England States.³ Your letter to the President of Congress, with Governor Trumbull's letter and the answer from your Excellency were read by the Secretary and committed to a Special Committee who have not yet reported. I had some days before moved for a special Committee to report specially on the papers and other information given relative to the commissions issued by Governor Trumbull. Mr. Sherman, the only member now here from Connecticut urged that it might be delayed till the Gov'r could be heard from, as he was satisfied the Commissions were called in and the plundering would cease; some other States supported him and the motion was lost. I conclude the Committee do not report expecting a letter from Gov'r Trumbull to Congress by the next post on the Subject. You may rest assured that we shall not be inattentive to a matter in which the State is so greatly interested.⁴ . . . Colo. Hay has necessarily been detained here longer than he would have been, on account of the movement of the Army, Much of the time of this week having been taken up by Congress in settling etiquettes and in paying and receiving compliments from the General Officers and Army. Count de Rochambeau ordered his whole Army to march by the City Hall and to salute Congress as a crowned head, and the President as the first prince of the blood. How do you think friend Thomas felt?⁵ It has been with some difficulty that we have

² The private letter to L'Hommedieu is in *Clinton Papers*, VII. 151; for the public letter see no. 304, note 2, *post*.

³ See nos. 284, 285, *ante*, no. 304, *post*.

⁴ Clinton's letter of Aug. 25 (*Clinton Papers*, VII. 251) was referred to a committee Sept. 4, and the committee made a report Oct. 11. L'Hommedieu's motion does not appear to be recorded in the *Journals*. See no. 281, *ante*, no. 304, *post*.

⁵ "Friend Thomas" is Thomas McKean, president of Congress. Cf. nos. 291, 293, 294, *ante*.

been able to procure the enclosed resolution (which is not certified by the Secretary, the minutes not having been read since its passing) which is not so full and agreeable to our wishes as we intended. The Quarter Master has his friends, and those that justify him, tho' few in number. Eight States only are represented. One was divided, one voted against, whereby some other parts of the report was lost; to wit, that the certificates given to the State agent shall be credited to the quota of supplies required of the said State. This part being reconsidered was referred to the financier, where 'tis likely it will remain dormant till the account is settled. If we can get the certificates with the quantity of forage ascertained, we can easily have it in our power to make the discompt.⁶ . . .

304. THE NEW YORK DELEGATES TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

PHILADELPHIA 9th September 1781.

Dear Sir,

We were duly honoured with your Excellency's Despatches of the 25th, 26th and 27th of August to which we shall pay all possible Attention.²

Your Excellency's Observations on the Vermont Business are conclusive. the Effect of them would have been and still may be, a Suspension of the Controversy but this we had every Reason to believe was not the Intention or even the Wish of the Legislature from every Gentleman with whom we conversed. we were taught that any Decision was preferable to Delay: and that as internal Dissentions would arise from a Reference to our own Legislature, it would not be expedient to shift the ultimate Admission or Rejection of the Claim from the United States to those which were immediately interested. Indeed from the Terms of our Instructions we were unauthorized to countenance or interfere in any Act which was not grounded on the Merits of the Controversy with Respect to Right and the Evidence submitted to Congress. it would otherwise have been no hard Matter to give the Business the Turn your Excellency suggests. our Situation is too embarrassed to acquire any Credit in this disagreeable Subject. We shall inflexibly continue to dissent from any Propositions repugnant to our Instructions, by which we hold ourselves bound. if we succeed in procuring a Recognition and Guarantee of our remaining Territorial Rights, it is the best Compromise that we can foresee, even this will be attended with Difficulty: we hear Nothing from the Grants, and it is more than probable their internal Animositities with respect to the People on the East Side of the River (who will not readily yeild their Project of Independence) will protract the Business untill the next Sessions of the Legislature.³

⁶ See no. 302, *ante*, no. 304, *post*.

[304]¹ N. Y. State Lib., Legislative Papers, no. 2441 (copy). The letter is signed by Duane and L'Hommedieu.

² No letter of Aug. 25 to the delegates has been found, but one of that date to Congress is noted (no. 303, note 4, *ante*). The letters of Aug. 26 and 27 are in *Clinton Papers*, VII. 259, 260. A related letter dated Aug. 22 is *ibid.*, p. 242. The last-mentioned letter is concerning Dr. Joseph Young (see the *Journals*, Sept. 20); that of Aug. 26 relates to Dr. Stephen McCrea (see *ibid.*, Sept. 14, 27); that of Aug. 27 to these two physicians and to Col. Van Schaick (see note 7, below).

³ See no. 303, note 3, *ante*, nos. 332, 405-407, 414, 416, *post*.

Before the Receipt of Your Excellency's Despatches we had revived the Business of the Plunder on Long Island by Pretext of Governor Trumbull's Commission, and insisted on the Incompetency and even Impropriety of a *Desire* to revoke those Commissions; because it implied a Right to grant them. Mr. Sherman assured Congress that the Recommendation would have its full Effect, and as sufficient Time had not then elapsed for an Answer it ought not to be pressed. for this Reason it was postponed by the Unanimous Wish of Congress, tho' without putting any formal Question; and it rests with us to resume it the first convenient Opportunity. if Govr. Trumbull does not give the Satisfaction required of him, the Sufferers will in some Measure be redressed by the Repeal of the Sentences below, which we take for granted.⁴ We have attentively considered your Excellency's Observations respecting the Expiration of our Authority. They have certainly great Weight; but your Wish that we should continue here 'till the 15th of Octbr. has determined us to wait as long as our Finances will permit, which will be something Short of the Period you mention.⁵ if the Agents for the Grants appear in the mean Time, the Expedient of a Protest may be adopted.

The Conduct of the Quarter Master General in West Chester County respecting Forage, is not, nor can it be justified. one dissenting and one dividing State prevented us from obtaining a Resolution agreeably to our own Wishes. Those States did not object because the Quarter Master's Principle was defensible, but because a general Rule ought to be laid down which would relieve all States and Individuals under the like Circumstances. however if no Alteration is made in the Act passed yesterday it will be sufficient for our Purpose. as to the Individuals being paid by Congress, it will be out of the Question 'till the publick Treasury is replenished. if the Debt is acknowledged he must be contented. if what relates to the State is ascertained we shall take Credit for it.⁶ Col. Van Schaick has unquestionably been ill treated, and we approve of his not joining the Army until Justice is done him. in fact Congress know not what to do for him unless by adding Two Brigadiers General to the List to raise him and Groaton up to the Rank of Hazen who has superseded them both. he cannot be permitted to retire on Halfpay by any Act of Congress which will not imply a Disgrace. We shall try what can be done. in the mean Time he is paying a Visit to a Friend in New Jersey where he waits the Event.⁷ . . .

Since our Arrival here the Plan for choosing an Agent instead of a Secretary of Marine has been adopted, but the Number of our Ships still decreasing by a recent Loss and being reduced to two we have trans-

⁴ See no. 303, note 4, *ante*.

⁵ The governor's observations on the expiration of the delegation's term of service were probably in the letter of Aug. 25 which is missing. See no. 252, note 4, *ante*, nos. 326, 327, *post*.

⁶ See nos. 302 (note 2), 303, *ante*.

⁷ See the *Journals*, June 29, Aug. 31, Sept. 3, 4. For further proceedings in the case of Van Schaick see nos. 428, 434, *post*, and the *Journals* for 1782 and 1783. According to Heitman (*Hist. Reg.*) he was made brigadier-general by brevet Oct. 10, 1783.

ferred the Business at present to the Financier.⁸ The Treasury Board will be dissolved and a Plan more simple and expeditious instituted, it is now forming into an Ordinance the Substance having already been agreed to.⁹ Col. Laurence our special Minister to the Court of Versailles is returned and has executed his Mission with great Propriety and Success. it has been the Means of enabling us among other good Things to advance the New York Line, Officers and Men a Month's Pay in Specie. yesterday they received it at the Head of Elk. we suffered the greatest anxiety 'till this Object was accomplished, for the Discontent of the Corps was great and just as well among the Officers as Soldiers.¹⁰

305. JAMES DUANE TO GEORGE WASHINGTON.¹

PHILADELPHIA 9th Septemb'r 1781.

. . . Since your Excellency's departure we have thrown the solitary Remnant of our marine into the Management of our Financier. It will save a Capital Expence as the admiralty Navy Boards and their subordinate offices are dissolved. When the number of our ships and the Circumstances of our Treasury Justify it, the Appointment of the Minister of the Marine will be seasonable. The Board of the Treasury and its dependents will in a few days undergo a similar Reform I expect those measures will prove a fruitful source of invective against those who have introduced and pressed them, and I am content to take my share.

I have the pleasure to transmit this Letter by L[ieut.] Col. Laurens. In the Execution of his late Mission he has acqui[red] great honour and given entire satisfaction. From having his Report under consideration as a member of a special Committee I had an opportunity of minute enquiry and I am convinced he has done every thing which could be expected, under delicate circumstances, from an able minister. He has justly increased his Reputation by asking leave immediately after his Report to take the Field, and by declining any Recompense for His essential services. A disinterestedness which forms a striking Contrast between him and some other characters! Congress have given him a testimonial of their approbation which I do myself the Honour to enclose. I wish it may be in your Excellency's power to distinguish Col Laurens by a Command. You may be assured that it will be highly pleasing to Congress.²

⁸ See the *Journals*, July 18, Aug. 29, Sept. 7; also Robert Morris's letter Sept. 8, in Wharton, *Rev. Dipl. Corr.*, IV. 702. Concerning the election of a secretary of marine see nos. 14, 25, 67, *ante*.

⁹ The ordinance for regulating the treasury was adopted Sept. 11. For prior proceedings see the *Journals*, Aug. 24 (committee on letter of the superintendent of finance), 27, Sept. 10.

¹⁰ Concerning the one month's pay to the army see the correspondence between Morris and Washington, Wharton, *Rev. Dipl. Corr.*, IV. 641, 650, 651, 693, 699, 700, 701, 703, 718, 719, 729, 737.

[305]¹ Library of Congress, Washington Papers; N. Y. Pub. Lib., Emmet Coll., Miscellaneous (draft); *Letters to Washington* (ed. Sparks), III. 401.

² The committee of which Duane speaks (appointed Sept. 3 on Laurens's letter of Sept. 2) made a report Sept. 4. A further report, including the resolution of approbation, was brought in and acted upon Sept. 5. Laurens's letter of Sept. 2, setting forth a history of his negotiations, is in Wharton, *Rev. Dipl. Corr.*, IV. 685. Another letter, Sept. 6 (*ibid.*, p. 700), was read in Congress Sept. 7 and referred to the same committee. A second letter of Sept. 6 was read in Congress Sept. 10.

306. THE PRESIDENT OF CONGRESS TO THE STATES OF NEW JERSEY AND PENNSYLVANIA.¹

PHILADA. Sept. 11th, 1781.

Sir,

Your Excellency will receive inclosed herewith an Act of Congress of yesterday, containing a requisition of three thousand Militia of each of the States of Pennsylvania and New Jersey, to be properly officered and equipped. An apprehension of a sudden invasion of the State of New Jersey, and of an attempt on Philadelphia, by the Enemy, in New York, gave rise to this recommendation; and the safety of both will, I rest assured, induce each State to make the most strenuous efforts on this occasion.

I wish you all manner of success in this arduous work, and that the machinations of our Enemies may be entirely defeated.²

307. JAMES DUANE TO ROBERT R. LIVINGSTON.¹

PHILADELPHIA 11th Sept. 1781.

. . . . To my great Satisfaction Col. Laurens is returned having executed his Mission with great Reputation to himself and advantage to his country. His expences were within 300 Guineas; he refused any other compensation and applied immediately for leave to take the field. A noble Instance of disinter[est]edness and publick zeal: and the more remarkable as this patriot is deprived of his whole fortune by the Course of the War. I drew down much abuse by the part I took in this Mission. Success has justified it.²

308. WILLIAM SHARPE TO SAMUEL HUNTINGTON.¹

PHILADELPHIA Sept. 11, 1781.

Dear Sir,

. . . . ² Colo. Laurens has executed his mission with admirable effect and dispatch. He has brought to Boston 17,000 stand of arms a large quantity of cloathing—military stores, medicine, etc. etc. He has also brought from the coffers of our ally two million five hundred thousand livres. This under the direction of Mr. Morris will give vigor to our military operations. On the whole our affairs at present wear a pleasing aspect; but let us remember that naval and military operations are attended

[306]¹ Library of Congress, President's Letter-Book, p. 75 ("For Governor Livingston"; at foot, "N. B. The like verbatim to h. E. President Reed"); *Pa. Arch.*, first ser., IX. 395.

² See the *Journals*, Sept. 10, 17, and *Pa. Arch.*, first ser., IX. 395-399; cf. *ibid.*, pp. 387, 388, 393, 404, 412-415; also no. 309, *post*.

[307]¹ N. Y. Pub. Lib., Bancroft Coll., Livingston Papers, II. 255 (copy).

² Duane appears to have initiated the movement to send Laurens on the mission; he was at least active in promoting it. See especially the *Journals*, Oct. 25, 1780 (p. 977 n.); also Nov. 18, 22, 28, 29, Dec. 1, 9, 11, 21, 23, 25-28, 1780.

[308]¹ N. Y. Pub. Lib., Emmet Coll., no. 1190.

² The passage omitted is devoted to various items of military news and comment.

with all those contingencies and uncertainty to which human affairs are liable.

I beg Mrs. Huntington may accept my best compliments.

P. S. I shall depart hence the 1st Octr.³

309. THOMAS MCKEAN TO GEORGE WASHINGTON.¹

(private)

Sir,

The following intelligence, tho' not derived thro' any official or authentic channel, appears to be of sufficient consequence to be communicated to you without delay. I have just now received intelligence, that a Brig arrived at New-York on Monday last from England, with Dispatches for Admiral Digby; she sailed nine days after the Admiral. On Tuesday two Frigates came up, who announced the arrival of Admiral Digby on the coast (the number of Men of war not known) with a Fleet consisting of upwards of an hundred Sail, having Troops on Board, the amount not mentioned: these Frigates returned for the Admiral in a few hours.

Two dispatch Vessels had arrived from Cornwallis, after the appearance of the french Fleet in Cheseapeake. Between thirty and forty large Transports lay at New-York on Tuesday ready to sail, and more were getting ready—Sir Henry Clinton is said to be going with them. Their destination unknown, but conjectured to be either for Virginia or Delaware Bay. From forty to sixty Negroes are sent on Board these vessels, who are said to belong to persons in Virginia, and are to be returned to their respective Masters by the advice of Lord Cornwallis.

On sunday Arnold returned to New-York from an Expedition to New-London in Connecticut, leaving his Troops on Board the Transports in Huntington Bay. He has destroyed all the Stores and Shipping at that place, except six vessels that escaped by favor of the wind. The two fortifications there were taken by Assault, and all put to the sword, except eleven men, who had hid themselves. After plundering New-London he burnt it, leaving only three or four houses standing. It is said, he is going on another Expedition immediately.

The Minister of France will communicate this intelligence to Count de Grasse. An anxiety to be serviceable induces me to give you this information, tho' the evidence of the truth of it is not quite satisfactory, as I have not a line respecting any part of it from any person officially, not even of the destruction of New-London—General Heath, indeed in a Post-

³ Sharpe probably took his departure at the time indicated; he was at all events absent Oct. 8 (see the *Journals*). His account for attendance was adjusted by the North Carolina assembly May 14, 1782 (*N. C. State Recs.*, XVI. 156), his period of service being fixed as from Sept. 3, 1780, to Oct. 27, 1781. The assembly settled at the same time (see *ibid.*, pp. 110, 160) the account of Thomas Burke for the whole of his periods of attendance, which began Feb. 4, 1777, and ended Feb. 28, 1781. Burke's letter requesting this settlement, dated May 3, 1782, and addressed to the "Speaker of the House of Commons", is in the files of N. C. Hist. Comm.

[309]¹ Library of Congress, Washington Papers; Hist. Soc. of Pa., McKean Papers, II. 3 (draft).

script to his letter of the 5th instant, mentions, that 26 large Ships were seen sailing up the Sound opposite to Stamford on the Sunday preceding, but he had learned nothing more of them.

By the english papers, as well as Rivington's *Gazette*, Digby's Fleet is said to consist of ten Ships of the line; therefore I do not think they can exceed that number, tho' they may be less.

There are three thousand Militia to be forthwith embodied in this State, and the like number in New-Jersey. The requisition of Congress has been already received by the respective Governors, and orders are gone out in consequence.

Never had we occasion for more wisdom, vigilance and activity. I pray God to preserve your health, and to guide, direct and protect us all in this hour of trial; and am, Sir, with unfeigned respect and esteem,²

Your Excellency's Most obedient and most humble Servant

THOS. M: KEAN

PHILADELPHIA September 15, 1781.

310. THE SECRETARY OF CONGRESS TO MERIWETHER SMITH.¹

Sir,

You desire to know my Opinion with regard to the sentiments and conduct of Congress in the Advances made to members on account of their States in the fall of the year 1779. I have examined the journals to assist my recollection. The practice of making advances to individual Members was first introduced from necessity and was practised partially and sparingly; afterwards it became so general that most of the members and states seemed to depend upon it. Some of the states seemed at last to disapprove the measure, and as far as I can recollect the Members from New Jersey first testified against it. And I well remember that some members seemed pleased with the vote of Congress for stopping farther emissions, as this would naturally put an end to such grants. However Money was still granted to members on their application, but it always appeared to me to be given with reluctance after that vote, and the reluctance seemed to encrease as the money in the treasury diminished, until at last it produced a regular motion to put a total stop to such advances. This, from the circumstances of individuals who were too far distant from home to receive immediate supplies, was at that time waved. But soon after a recommendation was sent to the states to make provision for their respective delegates. The above is the most succinct and satisfactory account I can give of the matter.²

I am with much respect S'r

Your most obedient humble servt

Sept. 15, 1781.

CHAS. THOMSON

² See no. 306, *ante*; cf. the Virginia delegates to Governor Nelson, Sept. 18, in *Cal. Va. State Papers*, II. 459 (passage omitted in no. 314, *post*). Washington's reply, Sept. 23, is in *Writings* (ed. Sparks), VIII. 163. See also nos. 312, 351, *post*.

[310]¹ Va. State Lib., Executive Papers.

² The resolution to which Thomson refers was doubtless that of Sept. 29, 1780, upon a motion of Timothy Matlack of Pennsylvania, seconded by Houston of New Jersey.

311. JAMES LOVELL TO MRS. ABIGAIL ADAMS.¹

Sept. 15, 1781.

Madam,

. . . . I have no Copy of any Letter to you but I imagine I was not very unconnected or enigmatical. If you had ventured to converse with Mr. S. A. you would have found that yr. *all* is not servile enough to gain the unbounded affection of the foreign Court at which he resided when he had the Correspondence which produced the two Resolves of Congress already communicated to you you would have found that [Gravier]² wrote two Letters in a Pet against Mr. A to [old F-k-l-n]. and that the latter had also written a most unkind and stabbing one hither; which he was under no necessity of doing, as he needed only to have transmitted the papers given to him, for the Purpose, by the former. This Knowledge would have prepared you for my last Letter in Cyphers; and for the Information that Mr. A has now [no *distinct* Powers]. I shall write minutely in Cyphers "*on this subject*" to S. A and you *must* have it at 2d hand. I will only say for your Satisfaction that I cannot accuse any one or more of any want of Esteem for Mr. A, but I see him indelicately handled by Means of wrong measures on a general Scale.³

312. JAMES LOVELL TO SAMUEL ADAMS.¹

July [September] 15, 1781.

Sir,

I have already told you that the Resolves of the General Assembly of June 30th did not reach us till the 27th of Aug^t. They have been committed to the Financier to whom had been before committed a Report upon the Letter from Messrs. Gorham, Lowell and Higginson.² The Financier has been so pressed by the Business of the moving Army that

If there was an earlier "regular motion" to that end it does not appear in the *Journals*. See vol. V., nos. 458, 459. For more recent action on behalf of the delegates of North Carolina, South Carolina, and Georgia see the *Journals*, July 10, 30, 31; cf. no. 314, *post*. Concerning the protracted settlement of Meriwether Smith's account as delegate in Congress see vol. IV., p. 465 n.

[311]¹ Adams MSS., Boston.

² That is, Gravier de Vergennes. Words in square brackets in this letter are written in cipher. See no. 166, note 2, *ante*.

³ One of the letters from Vergennes to Franklin to which Lovell refers was that of July 31, 1780 (Wharton, *Rev. Dipl. Corr.*, IV. 18). Franklin's "stabbing letter" is that of Aug. 9, 1780 (*ibid.*, p. 21). The correspondence between Adams and Vergennes, July 13 to 29, 1780, which gave rise to the letters just mentioned is *ibid.*, III. 848-883, IV. 4-17, *passim*. This correspondence was laid before Congress Dec. 26, 1780, and resulted in the adoption of a letter to Adams Jan. 10, 1781, which is also found *ibid.*, IV. 229. See also Franklin to Adams, Oct. 8, 1780, *ibid.*, IV. 86. The other letter from Vergennes to Franklin alluded to by Lovell is probably that of June 30, 1780 (*ibid.*, III. 827), relative to another series of letters from Adams. Franklin's reply, July 10, is *ibid.*, p. 844. The correspondence (June 20 to July 1) to which these letters relate is *ibid.*, III. 805-832, *passim*.

[312]¹ N. Y. Pub. Lib., Samuel Adams Papers.

² It was presumably the Massachusetts resolves of June 30, that were laid before Congress Sept. 10. See no. 279, *ante*. The remark below that the financier had "digested the business" suggests that Lovell may have had knowledge of Morris's letter of Aug. 28, mentioned in the note just referred to.

he has had almost no Leisure to plan Systems till within a Day or two, and I now know that he has digested the Business which you wrote about. I expect he will lay it before Congress on Monday: But I must own to you that I am sorry to have it so soon altho' I know our State expects a speedy answer to the Queries made about the old Emissions. We are now only 7/13 represented and there are the Delegates of the Culprit states to vote for Justice to Massachusetts. N. Hamp. Con: Jer: Del. Mar and N Car: are unrepresented. N Jersey and Maryland are much in the Condition of Massachusetts, as to Compliance with the Plan of March 18. I will give you the earliest Notice of the Proceedings of Congress upon the Report of the Financier. . . .

313. ROGER SHERMAN TO THE GOVERNOR OF CONNECTICUT
(JONATHAN TRUMBULL).¹

PHILADELPHIA, Sept. 15th, 1781.

Sir,

. . . .² There is a Committee for making the estimate of supplies for next year. I suppose the mode of obtaining the supplies will be under the direction of the Superintendent of Finance.³ By a resolution passed this week the navy is put under his direction until further orders, and the Board of Admiralty and Navy boards are abolished. There is also a new arrangement of the Treasury department, the Board is to be abolished the 20th of this month, there is to be a Controller, and as many Auditors and Clerks as the Superintendent shall judge necessary to liquidate public accounts.⁴ A new arrangement of the Post Office is also preparing; it is proposed to reduce the postage to what it was before the war, and so to regulate it that it may defray the charges of the office without expence to the public.⁵

I have heard nothing from the State of Vermont since their agents left this place in August, but expect delegates will soon arrive from thence to Congress, in case they comply with the only condition of their being admitted into the union, which is to relinquish their claims to the encroachments lately made on the States of New Hampshire and New York.⁶

There are five States not represented in Congress; the President wrote by order of Congress to the executives of those States, to inform them of the necessity of their delegates coming on immediately. Those sent eastward were taken in the mail and carried to New York the beginning of this month. Congress have since ordered an escort for the safe conveyance of the mail between Morristown and Fishkill. . . .

[313]¹ Mass. Hist. Soc., *Collections*, seventh ser., III. 273.

² The omitted passage speaks of the mission of John Laurens, etc.

³ See no. 356, *post*.

⁴ See the *Journals*, Sept. 11; cf. no. 304, *ante*.

⁵ See the *Journals*, Aug. 1, 2, Oct. 19, Nov. 22.

⁶ See no. 304, note 3, *ante*.

314. THE VIRGINIA DELEGATES TO THE GOVERNOR OF VIRGINIA
(THOMAS NELSON).¹

PHILADELPHIA Sept. 18th 1781.

S'r,

We have been honord with Y'r Excellency's favor of the 2d Inst: with its enclosures by Post.²

Mr. Finnies letters shall be handed to Col: Petit, and every exertion in our power used to procure him and the State redress;³ But in order to ensure Success in this attempt, we cannot too strongly inculcate the necessity of the accounts of the state and his department being adjusted, and sent on to the office of Finance for Settlement, for without Such an adjustment and a Balance appearing due to the State, we concieve it absolutely impracticable to bring Congress to assent to an advance on any consideration, having heretofore used our Utmost efforts in Vain for that Purpose.⁴

[P. S.]

315. SAMUEL LIVERMORE TO THE PRESIDENT OF NEW HAMPSHIRE
(MESHECH WEARE).¹

PHILADELPHIA, Sept. 18th 1781.

Hon'd Sir,

I am favourd with yours of the 3d instant inclos'g the vote concerning the state of y'r treasury and your want of specie to send on the beef cattle. I laid the matter immediately before Congress, and hope to get an answer soon.² These difficulties do not come unexpectedly to me but we must make the best of it. Specie imported from France must circulate some where. I hope Newhampshire will get her share of it, by such articles as she can export. I observe the vote of the court for my remaining here, which is well, perhaps something more will be done before the Court rises. The delegation (of two) is too expensive. I believe we shall over-hall the Confederation, and perhaps allow small states to be represented by *one delegate*.³

[314]¹ Va. State Lib., Executive Papers (no. 10, signed by Jones, Madison, Bland, and Randolph); *Cal. Va. State Papers*, II. 459.

² A letter of Sept. 2 to Congress is in *Official Letters*, III. 30, but none of that date to the delegates.

³ Col. William Finnie was deputy quartermaster-general for the Southern department, appointed Mar. 28, 1776.

⁴ In the passage here omitted the delegates refer particularly to their financial difficulties.

Daniel of St. Thomas Jenifer wrote the same day to an unidentified correspondent [John Hall?] discussing Maryland politics and relating foreign news. "The congress", he remarked, referring to the proposed congress of mediation, "is still talked of but the King of England persists in his former determination that American independence shall not be mentioned at it. So that it is probable we must fight on" (*Hist. Soc. of Pa., Dreer Coll., M. O. C.*). In a letter of the same date to Governor Lee, Daniel Carroll speaks of the European news and mentions the rumor of the arrival of Admiral Digby (*N. Y. Pub. Lib., Emmet Coll., no. 7145*).

[315]¹ N. H. Hist. Soc., Weare Papers, X. 48.

² See the *Journals*, Sept. 17, and no. 324, *post*.

³ See the "Exposition of the Confederation" reported by a committee Aug. 22.

Thursday 13th Decr. next is resolved on by Congress for thanksgiving and a com'tee appointed to draw proclamation. I mention this as we were sometimes puzzled to know what to do about the Day. I inclose you a paper for the news.

You can hardly conceive how much I long to see you and all friends in N. H. but I must submit.

316. WILLIAM SHARPE TO SAMUEL HUNTINGTON.¹

PHILADELPHIA Sepr. 18 1781.

Dear Sir,

I wrote you on the 11th by Mr. Brown.² The affair of the infamous Arnold at New London is very serious. Surely that villain will not be permitted to go unpunished even in this life.

There are vague reports via New York that Adm'l Digby with six ships of the line is on the coast. From several paragraphs in british papers there is reason to apprehend it may be true. . . .

Yesterday the City was ringing with reports from Baltimore and the eastern Shore that the enemys fleet had entered the bay, but was driven out and dispersed by the french who were in pursuit of them, and it is added, they had captured and sent into the bay two british 74's and one or two frigates. You know the credit that is generally due to Baltimore intelligence, yet there is a great air of authenticity in those reports. . . .

Genl. Greene is like to get more effectual aid from North Carolina than he expected.

By a private letter which I received from Genl. Greene yesterday I am happy to find that the conduct of Govr. Burke is satisfactory to him.

P. S. I have this moment heard by two private letters just received from Baltimore and the western Shore that Count de Barras had arrived and brought in with him one 44, two frigates and two transports captured from the enemy. That the enemy had appeared in the bay and was driven out. On the whole I believe there has been some flurry which issued in our favour. W. S.

317. THE PRESIDENT OF CONGRESS TO THE PRESIDENT OF DELAWARE (CAESAR RODNEY).¹

PHILADA. September 19th, 1781.

Sir,

By the advice of Congress I am to inform your Excellency, that I have just now got private information, that on Sunday last an embarkation of about five thousand troops had actually taken place at New-York, on board of eighty or ninety Transports which were then ready to sail. All the Troops from Long-Island, York-Island and Staten-Island are said to be on board, together with a great number of waggons, horses and light Artillery. Their destination is unknown, but rather supposed to be for the Delaware.

[316]¹ Hist. Soc. of Pa., Gratz Coll., M. O. C.

² Jesse Brown, the Connecticut express. The letter of Sept. 11 is no. 297A, *ante*.

[317]¹ Library of Congress, President's Letter-Book, p. 78.

My informant further says, that on the 19th instant, (this day) a certain Cornelius Hatfield is to set off with dispatches for Lord Cornwallis in a small decked Schooner, of the barge or whale-boat construction, carrying a four pounder in the bow and ten or twelve swivels, and having sixteen oars. You will be pleased, Sir, to take the necessary precautions upon this intelligence; and if Cornelius Hatfield should be apprehended, I am to request that he may [be] securely confined and guarded.

N. B. The same to the President of the Council of the eastern Shore of Maryland.

318. THE PRESIDENT OF CONGRESS TO GEORGE WASHINGTON.¹

Sir,

Your Excellency will receive inclosed herewith the copy of an Act of Congress of the 18th instant, respecting retaliation for the repeated cruelties exercised and exercising upon the virtuous citizens of America by the Enemy, hitherto unexampled except by themselves. This Act requires no comment; I wish it may have the desired effect.

Last night I received a private account of the junction of the two Fleets under the Count de Barras and Count de Grasse, and that the *Ruby* of sixty four Guns and the *Rainbow* of forty four have been captured from the Enemy. I hope it is true. . . .

It appearing probable to Congress that General Clinton may make some attempt on this city, they have adopted the most likely measures to defeat his design, by calling on the States of Delaware, Pennsylvania and New-Jersey for a large body of Militia, and have likewise thought it advisable to detain General St. Clair and the recruits of the Pennsylvania line now in the State, for a few days in the neighborhood of this city.²

It is certain that the Spaniards have blockaded and invested Minorca; I wish it had been Jamaica. By late accounts from France it appears, that the negotiation for a general peace will probably take place the ensuing winter but not before.

PHILADELPHIA, September 21, 1781.

P. S. I have just now got certain information of the arrival of Admiral Graves within Sandy Hook yesterday; the *Terrible* of 74 Guns having sunk at Sea, and five more disabled by Count de Grasse.

319. JAMES LOVELL TO GEORGE WASHINGTON.¹

PHILADA. Sept. 21st, 1781.

Sir,

It is not improbable that the Enemy have a Plan of cyphering their Letters which is pretty general among their Chiefs. If so, your Excellency

[318]¹ Library of Congress, Washington Papers; *ibid.*, President's Letter-Book, p. 81; Hist. Soc. of Pa., McKean Papers, II. 7 (draft).

² See the *Journals*, Sept. 10, 12, 17, 19, 27; cf. no. 309, *ante*, nos. 323, 329, *post*.

[319]¹ Library of Congress, Washington Papers (photostat from Gratz Coll., Hist. Soc. of Pa.).

will perhaps reap Benefit from making your Secretary take a Copy of the Keys and observations which I send to General Greene, through your Care.²

320. JAMES LOVELL TO NATHANAEL GREENE.¹

PHILADA. Sept. 21st 1781.

Sir,

You once sent some papers to congress which *no one about you could decypher*. Should such be the Case with some you have lately forwarded, I presume that the Result of my Pains herein sent, will be useful to you. I took the Papers out of Congress, and I do not think it necessary to let it be known here what my Success has been in the attempt. For, it appears to me that the Enemy make only such changes in their Cypher, when they meet with misfortunes, as makes a difference of Position only to the same Alphabet. And therefore, if no Talk of Discovery is made by us here or by your Family, you may be in Chance to draw Benifit this Campaign from my last Night's Watching.²

P. S. *Sept'r 22d*. With greater Pain than in the Cases of Balfour's and Craigs Epistles, I have also succeeded to find the Key of the Papers which are without date, subscription or intermixture of letters, said to be "intercepted with others dated 7th of March 1781". I do not suppose it now in use; however I send it. J L

321. THE PRESIDENT OF CONGRESS TO THE GOVERNOR OF GEORGIA.¹

Sir,

I have the honor to inclose to your Excellency the copy of an Act of Congress of the 20th instant, voting a monument for the late Brigadier General Scriven.

² Washington replied Oct. 6: "My Secretary has taken a Copy of the Cyphers, and by help of one of the Alphabets has been able to decipher one paragraph of a Letter lately intercepted going from L'd Cornwallis to Sir H'y Clinton" (Washington Papers, draft). See no. 318, *ante*, nos. 320, 349, 350, *post*.

[320]¹ William L. Clements Library, Greene Papers (endorsed, "From Mr. Lovell Sept. 21st 1781. Important intercepted Letters decyphered").

² See no. 319, *ante*. The letters in cipher to which Lovell refers were transmitted by Greene with his letter of Aug. 25, read in Congress Sept. 17. They are in Papers Cont. Cong., no. 51, vol. I., ff. 703 *et seq.* They include a letter from J. H. Craig to Cornwallis, dated at Wilmington, July 23, 1781 (f. 705); Balfour to Cornwallis [March, 1781?] (ff. 717-732; translation at f. 713); Balfour to Lieutenant-Colonel Stewart, dated at Charles Town, Aug. 12, 1781 (f. 733). At f. 759 (error for f. 739) is what Lovell has labelled "the true Explanation" of Craig's letter of July 23, 1781, as also of Cornwallis to Balfour, Oct. 7, 1780, and Cornwallis to Major "Wimiss", the same date. These last two letters are at ff. 527 and 529, respectively. Numerous other intercepted letters are *ibid.*, ff. 530-700; cf. nos. 349, 350, *post*.

[321]¹ Library of J. Pierpont Morgan, Declaration of Independence, II.; Library of Congress, President's Letter-Book, p. 85 ("For His Excellency Governor Bourke"). The letter to Governor Thomas Burke of North Carolina, with the variation, "Davidson" in place of "Scriven", together with a note of the variation in the Georgia letter, is among the Burke Papers in the custody of the N. C. Hist. Comm. On Sept. 12 Governor Burke had been captured by Tories in a raid on Hillsborough. The capture was announced to Governor Nelson of Virginia by John Penn in a letter of Sept. 14 (Haverford College, Roberts Coll., 732).

Tho' it may not be proper to execute the work 'till the enemy are out of the State, yet, as acts of this sort are pleasing to the relations of the deceased, and prompt others to virtuous and magnanimous deeds, Congress thought it politic to pass the Resolve at this time.

PHILADELPHIA September 24th 1781.

The Honorable Nathan Brownson, Esq.²

322. THE PRESIDENT OF CONGRESS TO THE DIRECTOR OF THE HOSPITALS
(JOHN COCHRAN).¹

PHILADA. Sept. 25th, 1781.

Sir,

I have the honor to inclose you an Act of Congress of the 20th instant; by which you will observe, besides some regulations respecting promotions in general in the medical department, that Doctors Young, Wilson, Jenifer, Edmonson and Campbell are advanced to the rank of Hospital Physicians and Surgeons. These promotions are agreeable to your recommendation, and, tho' Congress complied with it in this instance, I must inform you that they did it with reluctance, conceiving that the department is already furnished with a sufficient number of Officers of the different ranks.²

Several other resolutions are inclosed for the Gentlemen in your department which I take the liberty of transmitting to your care, and beg you will forward them as speedily as possible.

323. THE VIRGINIA DELEGATES TO THE GOVERNOR OF VIRGINIA
(THOMAS NELSON).¹

PHILADELPHIA Sept. 25th 1781.

S'r,

Yesterdays post arrived without any letter from Your Excell'y to us. We cannot help observing to Your Excell'y that the Operations of the fleet and army are of so important a nature at this Crisis of affairs in Europe that an hourly communication, if it was practicable, would certainly be Eligible; and we therefore lament that no Authentic Intelligence has come from them to Congress for ten days past, altho we are informd

² On Sept. 27 credentials signed by Governor Brownson, certifying to the election, Aug. 17, of Edward Telfair, Noble Wimberly Jones, William Few, and Samuel Stirk, were presented. The latter did not at any time attend Congress. A letter from him to Noble Wimberly Jones, Aug. 29, congratulating him on his appointment, is in possession of the Georgia Historical Society. Stirk further says in this letter: "I could wish that you would make it convenient to attend Congress for some time to come, if you should then want to be relieved I will attend whenever required. . . . As we have had no letters of a public nature from the late Delegates, I cannot say what they have done." See no. 342, note 2, *post*.

[322]¹ Library of Congress, President's Letter-Book, p. 86; Hist. Soc. of Pa., McKean Papers, II. 18 (draft).

² See particularly the report of the board of war, dated Sept. 17, in the *Journals*, Sept. 20; cf. *ibid.*, Sept. 21, 22, and nos. 163, 199, *ante*.

[323]¹ Va. State Lib., Executive Papers; *Cal. Va. State Papers*, II. 488.

from every Quarter that there has been an Action of Some Consequence at Sea.²

JOS: JONES.

Read and approved by James Madison and signed at his request

THEO'K BLAND

324. SAMUEL LIVERMORE TO THE PRESIDENT OF NEW HAMPSHIRE
(MESHECH WEARE).¹

PHILADELPHIA Sept 25th 1781.

Dear Sir,

The application of our state for specie to bring forward the beef cattle was referred by Congress to the superintendant of finance, and on my application to him he told me he would write to you his determination on the subject. Every argument in my power was used to enforce the measure. I suppose the result will be for the quarter master to receive the Cattle from you within the state. Hard money is hard to part with. However if they take the Cattle at the borders of the state, that will answer your purpose.² I hope the state will allow me to return home as soon as Vermont affair is over; as I am sure my affairs must suffer exceedingly for want of me. As to matters of Finance I am of opinion that a silver tax must be made. We have borrowed largely this year but we must not think of repeating it.

325. THOMAS MCKEAN TO GEORGE WASHINGTON.¹

Private.

Sir,

. . . Congress had, in the last winter, acceded to the terms of the armed Neutrality planned by the Empress of Russia, and appointed the honorable Francis Dana as their Minister to Petersburg. Before he set out he waited upon the Count De Vergennes at Paris, and, by his advice, will not appear at the Russian Court in a public Character, without a previous certainty that he will be received as such, which is not expected in the present stage of affairs, it behoving Mediators to be quite impartial between the powers at variance: However the way has been prepared, in such a manner as to ensure a friendly reception of him as a private Gentleman, and for the rest he must trust to the Chapter of Accidents. The Empress was not a little pleased with the Act of Congress agreeing to her maritime code; especially as they had not been invited to it, but did it voluntarily.

² One omitted passage refers to the mysterious embarkation at New^A York, and the return of the British fleet, "much disabled as we are told"; another, to the "mysterious aspect" of affairs in Europe, which at all events point to the need of "repairing the deranged state of our finances and recruiting our armies to their full Complement", of calling forth "all our resources to ensure a good and speedy peace". See no. 318, *ante*, no. 329, *post*.

[324]¹ N. H. Hist. Soc., Weare Papers, X. 52.

² See no. 315, *ante*.

[325]¹ Library of Congress, Washington Papers; Hist. Soc. of Pa., McKean Papers, II. 19 (draft); Harvard Univ. Lib., Sparks MSS., LXVII. 62.

We are plainly told, *that we cannot have any more forces from France, by Sea or Land, after this campaign*, nor are we to *rely* on any farther pecuniary assistance: The situation of affairs in Europe will demand their utmost exertions there, and they expect to render as much real service to the common cause in other places, as they could possibly do in America. France, notwithstanding, will continue to pay the interest of our Loan-Office Certificates; and the King has made a free gift of six millions of Livres Tourney, to the United States of the money already supplied them. You may rely on the authenticity of what I have communicated.²

We wait with a degree of anxiety for certain intelligence from the Southward, having had none for upwards of a fortnight.

This moment I was honored with your letter of the 15th instant, which shall be read in Congress to Morrow.³

PHILADELPHIA, Sept. 26th 1781.

326. THE NEW YORK DELEGATES TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

PHILADELPHIA 26th Septmr. 1781.

Dear Sir,

In our former letters we gave your Excellency room to expect that we should obtain—at least we promised to urge for—the establishment of our western boundary under the guarantee of the United States. Congress have remained so thin that a single Dissentient would have frustrated any proposition which we might have offered: we, therefore, concluded to wait for a more favorable opportunity. To hazard, under the present circumstances, a point which so essentially concerns the prosperity and tranquility of our State would have been a proof of our Zeal but not of our prudence: and we hope we shall stand justified for the delay in the opinion of your Excellency and the Legislature. The equity of our territorial rights can be so fully established that we persuade ourselves that a full Congress will conceive the Limits which we propose to establish to be moderate and the Cession to the United States liberal. As the time fixed for our return approaches we shall depute the Evidences of our Jurisdictions in a safe hand with directions to deliver them to our successors in the Delegation.

² See the report of the conference with the minister of France, in the *Journals*, Sept. 21. In the first omitted passage McKean relates his most recent information concerning the peace negotiations; in the second he discusses the means of making "the most of the present opportunity".

³ Washington's letter of Sept. 15, written from Williamsburg, is in *Writings* (ed. Ford), IX. 359, (ed. Sparks), VIII. 158. See no. 328, note 2, *post*.

[326]¹ *Clinton Papers*, VII. 359 (signed by Duane and L'Hommiedieu).

327. EZRA L'HOMMEDIEU TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

PHILADELPHIA, Sept. 26, 1781.

I send you the *Journals* of Congress by Capt. Johnston as complete as they can at present be procured: there being none left for the year 1775, and none as yet printed for the present year. This delay of printing has been owing to the same cause that has delayed the publishing the Votes and Laws of our Legislature. . . .

The small Representation for sometime past, of seven states, has occasioned a considerable delay in Business of Consequence as nothing could be done without unanimous consent. Had we left Congress the 10th of September, all business for sometime would have ceased: which Circumstance may apologize for our staying longer with those who think the resolutions by which we were appointed admit of a doubtful Construction as to the Expiration of the Time of our Delegation.

Tis probable our Finances will not admit of our remaining longer in this Place, than two weeks from this time; on my return I shall continue with the Assembly which I hear is to meet the first of next month. I have been happy in finding that the Publications against Mr. Duane have made no Impression on the minds of the Members of Congress, to his Disadvantage, and I am confident that it will be much for the Interest of the State to continue him in the Delegation.²

328. THE PRESIDENT OF CONGRESS TO THE MINISTER OF FRANCE
(THE CHEVALIER DE LA LUZERNE).¹

PHILADA. Septem'r 28th, 1781.

Sir,

I had the honor to receive your Excellency's favor of today in Congress, and immediately communicated to them the contents. In answer, I am to express their satisfaction at this fresh proof of your friendship, and to assure you, that the part your Court and yourself have constantly taken in the real interests of Congress and the States they represent, justly intitle both to every return that a virtuous and grateful people can make.²

[327]¹ *Clinton Papers*, VII. 360.

² Publications attacking Duane's patriotism appeared in *Freeman's Journal* (Philadelphia) at intervals from May 9 to Aug. 22. The first was an anonymous criticism of "Sinon", "a practising lawyer in one of the provinces of North-America". In the issue of May 23 "Plain Truth" says that "Sinon" is generally understood to be Duane, and elaborates to the extent of two and a half columns on Duane's history and conduct. In the issue of May 30 "Candor" briefly defends Duane; June 6 "Plain Truth" renews the attack, and again in the issue of Aug. 27; while in the latter issue "Old Plain Truth" defends Duane. In the issues of Aug. 1 and 8 appears the defense of Duane, first printed in the *New York Packet* (published at Fish Kill by Samuel Loudon). This defense includes testimonials presented to the New York legislature by McDougall, Floyd, Schuyler, Wisner, Clinton, Scott, and others. (Originals of these testimonials are in N. Y. Hist. Soc., Duane Papers, vol. V.) After the appearance of this defense "Plain Truth" addressed two brief letters to Duane, which appeared in the issues of *Freeman's Journal*, Aug. 8 and 22. See the article on Duane in *Dict. Am. Biog.*

[328]¹ Library of Congress, President's Letter-Book, p. 90; Hist. Soc. of Pa., McKean Papers, II. 22 (draft).

² A memorial from the minister, dated Sept. 28, was read in Congress Sept. 29. A letter from Daniel Carroll to Governor Lee Sept. 28 states that the French minister

329. ELIAS BOUDINOT TO THE GOVERNOR OF NEW JERSEY
(WILLIAM LIVINGSTON).¹

PHILADELPHIA, Sept. 29th 1781.

Dear Sir,

We are much alarmed here on the apprehended invasion of this state by Gen. Clinton from New York. Indeed this city could not have been attempted in a more defenseless state, or at a time which would so essentially have affected the common cause.

Congress have ordered down to this town 500 Continental troops under Genl. St. Clair from Lancaster. 3000 men of the militia of this State are ordered to be in the field without delay, and half of the militia of the Delaware state. Congress have great, and indeed I may say the greatest dependence on the militia of our state, and hope they will be found actually in the field should the enemy appear ever so suddenly. As some days are always taken to arrange any body of Militia, the sooner they are called out the better. I confess for my own part, I consider this city as our most vulnerable part.²

Another letter received this evening from Maryland confirms the junction of Mons. de Barras, and his taking 44 gun ships and two frigates with as many transports. No other news.

330. JOHN MATHEWS TO GEORGE WASHINGTON.¹

PHILADELPHIA Octr. 1, 1781.

Dear Sir,

Although I am well convinced your time must be occupied by very important objects; Yet I presume you will not regret the few moments employed in the perusal of the following interesting advices lately received through the most authentic channel. . . .

I beg your Excellencys pardon for having taken up so much of your time, but the subject was interesting; which has led me into a prolixity, I did not intend at my first setting out.

I should not have trusted so much to paper as I have done, were it not for the favourable opportunity that offers by Dr. Oliphant, whom I beg leave to recommend to your Exc'ys notice.²

May the supreme Being protect your valuable life through the dangers you are about to encounter, and may his Guardian Angel attend to crown you with Laurel.

had been informed by Comte de Grasse of an engagement with the British fleet, and gives some account of the outcome. Carroll also mentions the receipt of Washington's letter of Sept. 15, in which the latter indicates that he is apprehensive of a want of provisions (N. Y. Pub. Lib., Emmet Coll., no. 9765). See no. 325, *ante*, no. 331, *post*.

[329]¹ Harvard Univ. Lib., Sparks Coll., no. 49, vol. III., p. 243; Boudinot, *Life of Elias Boudinot*, I. 226.

² See nos. 318, 323, *ante*, no. 335, *post*.

[330]¹ Library of Congress, Washington Papers.

² Dr. David Olyphant. See the report of the board of war, in the *Journals*, Sept. 20.

331. JAMES MITCHELL VARNUM TO GEORGE WASHINGTON.¹

PHILADELPHIA 2d Octr. 1781.

Sir,

Your Excellency is well acquainted with the natural and political Situation of the Island of Bermuda. For many Reasons I have tho't a Conquest of that Island necessary. Its Inhabitants are generally friendly to the united States, and are loudly dependent on them for Subsistence. It was intended to be annexed to them when the Treaty of Alliance was formed with France: Should it be ultimately annexed, will form an excellent Barrier against naval Operations in a future War: But should the British strenuously insist upon retaining some Possessions, in a general Pacification, in Consequence of their holding Posts, such as New York, etc. it may be necessary to silence their Claim by Composition: In that Case the Island might be ceded. Our Commerce is greatly annoyed by the Privateers which rendezvous there: A Conquest might relieve us from that Inconvenience and Convert it into a Place of Arms for our own Vessells. As we have politically debarred the Inhabitants from all Correspondence or Commerce, their Necessities will oblige them to cruise for our Provision Vessells: Their Island is every way calculated to annoy us in that Respect. I have made myself fully acquainted with the Strength, Defences, and Resources of the Place: I am confident that five hundred Men, aided by three or four Frigates, would be fully sufficient to take the Island; and that Number would be sufficient to garrison it, could they have six Weeks to fortify themselves, previous to an Attempt to dislodge them. They should have six Months Provision, Artillery, Amunition, and some spare Arms, as two Battalions might be raised from the white and black Inhabitants. To give them a Time for fortifying the Place, the Expedition should not begin 'till after the Fleets have gone to the West Indies. It is not probable any serious Attack could then be made upon them 'till next Fall. I have not mentioned this matter to Congress: It should be on the Point of Execution previous to such an Intimation, if possible. I am very anxious to know your Excellency's Opinion upon the Subject previous to any Arrangements respecting it. If you should incline to the Measure, whether it will be best to detach a Continental Battalion, or raise other Troops for the Purpose? Whether it will be best to furnish the Stores etc. from the public, or by individual Adventurers? And if French Frigates can be employed in the Co-operation? The Gentleman who bears this is perfectly acquainted with the Island.² By the best

[331]¹ Library of Congress, Washington Papers.

² The question of attempting the conquest of Bermuda was brought before Congress in August, 1782. See no. 579, *post*. Concerning the question of trade with Bermuda see nos. 234, 248, 266, *ante*. The bearer of this letter was Judge Aedanus Burke of South Carolina. From Baltimore, on his way to headquarters at Yorktown, he wrote to Arthur Middleton, Oct. 9: "I have often recollected with Satisfaction what you mentioned to me a few Evenings before I left you; 'that you intended to have the Memorial relative to the Bermudians reconsidered'. Should you succeed, you wd do an extensive Act of humanity: and if you should not meet with Success, still I think you will feel a pleasure, that altho' you could not relieve the miseries of an unfortunate set of people, you however pity them" (*S. C. Hist. and Geneal. Mag.*, XXVI. 185). The memorial to which Burke refers was probably that of Thomas Savage, presented Aug. 31. See further the *Journals*, Sept. 12, 14, 24, 27, 28.

Intelligence we have been able to obtain, the British lost two seventy fours, the *Vengeance* and *Terrible*, in Consequence of the late Engagement with Count de Grasse, Had the *Princess*, a seventy, totally disabled, and four other Line of Battle Ships, very much injured.³ Sir Henry Clinton has made some Demonstrations towards an Attack in New Jersey or Pennsylvania; Militia Camps have been formed: Such Precautions are at least excusable; perhaps necessary.

We have attempted to elect a Secretary at War. Genls. Greene, Lincoln and Knox are in Nomination; all the Votes for one or other of those Gentlemen. We effected nothing. Tis said Genl. Greene cannot be taken from the Army, considering the southern Situation. I wish your Excellency would say who can be appointed with the greatest Propriety.⁴

P. S. Judge Burke of South Carolina will deliver this Letter.

JAS V.

332. SAMUEL LIVERMORE TO THE PRESIDENT OF NEW HAMPSHIRE
(MESHECH WEARE).¹

PHILADELPHIA Octo. 2nd 1781.

Dear Sir,

I am informed that a com'tee of our house and councill have proceeded to Connecticut river to treat with the people concerning their attachm't to Vermont, or something to that effect. I did not hear the names of the Com'tee. However I hope the measure will be attended with good consequences. That com'tee will doubtless be returned before this reaches you. I should be glad to be immediately informed of the result of their proceedings; as it may relate to the subject before Congress and strongly influence their resolutions. 'Tis probable the com'tee of Vermont will be here before the last of Octo. for a final decision of their affair.² I am very anxious to get this matter settled and to return home. I shall presume the state will not be against my returning when this business is finished. I long to see the county of Grafton active and our whole internal policy settled.

333. JAMES LOVELL TO ELBRIDGE GERRY.¹

Sir,

Oct. 2d, 1781.

Your favor of Sep. 11th reached me only yesterday. I thought I had let you know the ill Success of Mr. Broughtons Petition. I now send an Extract from our Journal.

³ A letter from John Hanson to Governor Lee, Oct. 2, gives an account of the naval engagement, refers to Washington's recent conference with de Grasse, and remarks that Cornwallis's fate now seems inevitable (N. Y. Pub. Lib., Emmet Coll., no. 1000). A letter of the same date from Elias Boudinot to James Caldwell of Princeton likewise speaks of Washington's conference with de Grasse, and relates recent information concerning events in the south (*ibid.*, Misc.). See nos. 325, 328, *ante*.

⁴ See no. 265, *ante*. The attempt here referred to, to elect a secretary at war, was on Oct. 1. It was not until Oct. 30 that the election was successful, when Gen. Benjamin Lincoln was chosen. See no. 372, *post*.

[332]¹ *Hist. Magazine*, XXIII. 176; *N. H. State Papers*, X. 412.

² See nos. 303, 304, *ante*, 405-407, *post*. See also *Vt. Recs.*, II. 320-323.

[333]¹ Furnished by courtesy of Professor S. E. Morison, of Harvard University.

Many Persons *stand charged* on our Treasury Books with Monies advanced to them by our Ministers abroad, their Receipts having been transmitted. The Day of Repayment I believe is distant and I know not whether this Gentleman's is one of the Number so transmitted.²

It gives much Pleasure to find that "your" was a Misprint.³

I wish you as good Health as I now enjoy. "our" Friend is unwell and yet retains much of the usual Curiosity about your intended Journey this Way—"do you think he *really* will come"?

334. JAMES MADISON TO EDMUND PENDLETON.¹

PHILADA. Octr. 2d 1781.

Dear Sir,

Yours of the 24th ulto. came safe by yesterdays post.²

We have received some communications from Europe relative to the general state of its affairs. They all center in three important points; the first is the obstinacy of G. B., the second the fidelity of our Ally, and the third the absolute necessity of vigorous and systematic preparations for war on our part in order to ensure a speedy as well as favorable peace.³ The wisdom of the Legislature of Virginia will I flatter myself, not only prevent an illusion from the present brilliant prospects, but take advantage of the military ardor and sanguine hopes of the people to recruit their line for the war.

335. ABRAHAM CLARK TO JAMES CALDWELL.¹

PHILADA. Octo'r 2d 1781.

Dear Sir,

. . . . Our friend Boudinot just moved to disband the Militia of Pennsylv'a and Delaware in case the Executive of those States think the measure Adviseable, but this Motion was rejected. I am unable to judge the real Occasion of this motion, the reason he offered was to save expense, but it may rather be Supposed as intended to keep the Enemy from coming this way with intentions to frighten or Catch the Militia as you know they would disdain to go where there were no forces to Oppose them and where there was no Army to capture.²

We are now represented by three members—Mr. Elmer came yesterday, but we are all perplexed to know how to live upon our paper pay which is exchanged here at 2½ for one with the loss of all the Interest by which we get less than one dollar for 20.

P. S.

² Concerning the memorial of Nicholas Broughton see the *Journals*, July 18, Aug. 8.

³ See no. 242, *ante*.

[334]¹ Library of Congress, Madison Papers; *Writings*, I. 154.

² Pendleton's letter of Sept. 24 has not been found. The passage omitted here chiefly relates intelligence from New York.

³ The reference is doubtless to the communications from the minister of France, reported to Congress Sept. 21. See also the *Journals*, Sept. 24. A number of letters from representatives abroad were read in Congress Oct. 3.

[335]¹ Hist. Soc. of Pa., Dreer Coll., Federal Convention, p. 37 (addressed, "The Honorable James Caldwell Esqr. Prince Town").

² This motion is not recorded in the *Journals*. Cf. no. 329, *ante*.

336. ABRAHAM CLARK TO JAMES CALDWELL.¹

PHILADA. Octr. 3d, 1781.

Dear Sir,

. . . . As to your late discovery of the Spirit of Confederation, I can scarcely say any thing about, without incurring censure as being Interested: I must therefore remind you that it is well known Attendance in Congress hath long been a painful service to me, and I feel a strong desire to be free from it. My self therefore out of the question, I cannot but reflect upon our situation should you act as you propose unless I am mistaken in some facts; If I am rightly informed Dr. Witherspoon Mr. Houston Dr. Elmer and myself have served three years, and that Dr. Scudder Mr. Boudinot, Dr. Henderson and Col. Freelinghuysen will decline if Chosen. if this is the Case shall we have New Members that know any thing of the Business of Congress, while Many if not all of the other states whose Constitutions Admit of it send some of their old members without regard to the time they have served, judging that the Confederation cannot and ought not to have any operation before its final ratification; indeed it never was made a Rule to govern Congress before that period. The Limitation is in general useful but then it ought to be a rule equally regarded by all or none, or those who do not confine themselves by it will have a manifold advantage over the others who are not prepared to act agreeable to the Spirit of it. The present situation of our publick affairs requires the Assistance of such as have a thorough knowledge in the business before Congress. The only proper System for the Choice of members in my opinion, is to Elect only three Members annually two of which acquainted with the business, one of the old ones to go out at every Choice to make room for a new one. by this Measure there will alway be two that had served before. The three chosen should be such as agree to Attend except prevented by sickness. the Choice of five members will only incapacitate a greater Number after three years service without giving better Attendance.

337. ELIAS BOUDINOT TO LEWIS PINTARD.¹

PHILADELPHIA Octr. 3, 1781.

My Dear Sir,

This has been an important day for News both foreign and domestic. What I can inform you of, is that a Member from North Carolina arrived here last Night and informs that he see a Dr. Brown who was on furlough from the Army, and to whom an Express came from Genl. Green urging his speedy return, informing that he had had a general Action, in which he lost upwards of 300 killed and wounded.² on the whole the Enemy were totally routed, with the loss of upwards of 700 killed and taken.

[336]¹ Haverford College, Roberts Coll.[337]¹ Hist. Soc. of Pa., Boudinot Papers, II. 85.

² The delegate from North Carolina was Benjamin Hawkins. The doctor was probably James Brown. Some details of the battle, as well as of the sea-fight mentioned further on, have been omitted. Letters from Boudinot to Pintard Oct. 9, 16, and 24 (*ibid.*, II. 86-88) continue the news from the war front.

We have also official Information of a Battle having been fought between 9 Dutch Ships and 12 English Ships under Admiral Parker in the North Sea—The Battle severe, and the English completely routed.

No likely hood of Peace—the Battle was the 12 Augt.

338. ROGER SHERMAN TO THE GOVERNOR OF CONNECTICUT
(JONATHAN TRUMBULL).¹

PHILADELPHIA, Octr. 3, 1781.

Sir,

. . . .² I mentioned to the Superintendant of Finance this morning the affair of supplies for the ensuing season, and the necessity of giving timely notice to the States what provisions are expected from them; he says he shall have a conference with the Board of War upon that subject to-morrow. I send this by Mr. Webster who is just ready to set out.

339. THE PRESIDENT OF CONGRESS TO THE STATES OF
PENNSYLVANIA AND VIRGINIA.¹

Sir,

As Brigadier General Irwine purposes to set out to morrow in order to take the command at Fort Pitt, and may very probably have occasion for the Aid of the Militia in the vicinity of that Post, I thought it proper to procure a copy of his Instructions and to transmit them to you; they are accordingly inclosed, and I rest assured every suitable measure will be adopted for affording him effectual support by the Militia in case of necessity.²

PHILADELPHIA, October 8th 1781.

340. THE VIRGINIA DELEGATES TO THE GOVERNOR OF VIRGINIA
(THOMAS NELSON).¹

PHILADELPHIA October 9, 1781.

Sir,

. . . . The decided measures, which Holland has taken against Great-Britain, drew from Mr. Adams the inclosed memorial. There does not seem, however, any ground to believe, that his success will be immediate.²

[338]¹ Mass. Hist. Soc., *Collections*, seventh ser., III. 281.

² Sherman gives a summary account of the battle of Eutaw Springs, differing in a few particulars from that given by Boudinot (no. 337, *ante*). In his letter to Trumbull Oct. 16 (no. 356, *post*) Sherman gives a more particular account of the battle.

[339]¹ Va. State Lib., Executive Papers; Library of Congress, President's Letter-Book, p. 93 ("For His Excell'y President Reed"; at foot, "N. B. The like verbatim to his Exc'y Governor Neilson").

² The instructions to Gen. William Irvine are in the *Journals*, Sept. 24.

[340]¹ Va. State Lib., Executive Papers (signed by Madison and Randolph); *Cal. Va. State Papers*, II. 533.

² See no. 274 (note 3), *ante*, no. 341, *post*. Madison sent a copy of the memorial to Pendleton Oct. 9, remarking, "I wish I could have informed you of its being lodged in the archives of their High Mightinesses instead of presenting it to you in print". *Writings*, I. 156.

It is impossible to expect, that France, engaged as she is in expence, should maintain the American war out of her own treasury. Her advances for America have been generous, but not sufficient to overcome the necessity of the exertions of the different states. Every state has the same plea with Virginia of being a creditor of the united states. Our hope therefore is, that, whilst Virginia labours to furnish new supplies, she will not forget the importance of forwarding to us as accurate an account, as possible, of her disbursements for the union.

The report of a committee of congress, appointed to consider the cessions of western territory, made by Virginia, New-York and Connecticut, has been brought into discussion at our instance. It declared in general terms the inadmissibility of those cessions upon the conditions specified, fixed a day for ascertaining the boundaries, beyond which congress would not guarantee, and concluded with a recommendation to lay out separate states in the ceded lands. After some debate it was recommitted. The advocates for recommitment acted upon different motives; some intending thereby to open a door for a full and minute question of the territorial rights of those three states; whilst others, among whom we were, proposed that the subject should be handled merely upon the basis of several resolutions of congress, passed with the express view of stifling all inquiries of right. We have attended the committee for a great part of the three last days, which have been occupied by New York in the development of her title. Her delegates will probably finish their pretensions to day. Connecticut will be concise. We shall deliver to the committee written reasons for declining to enter into discussions of right. Your excellency need not apprehend, that we shall weaken our title by the discovery of any ill-founded distrusts, or expose our candor to suspicion. We forewarned the delegates of New York and Connecticut of our scruples as to our authority to submit to an investigation of the right, and the committee were reminded, that their present procedure violated the assurances of congress, contained in the resolutions abovementioned. By the next post we shall transmit a farther history of this transaction together with a copy of our reasons.³

341. EDMUND RANDOLPH TO THOMAS JEFFERSON.¹

PHILADELPHIA Octr. 9, 1781.

Dear sir,

I was much distressed on the receipt of your late favor by Mrs. Randolph, to find your irrevocable purpose of sequestering yourself from public life. If you can justify this resolution to yourself, I am confident, that you cannot to the world. There remains now no alternative, but either to consign southern interests wholly, to the management of our present ministers, or to interdict them from the exercise of all discretionary power.² . . .

³ See vol. V., no. 629, and nos. 10, 11, 24, *ante*; also the *Journals*, Oct. 2, 16, 26, Nov. 3, 14, and nos. 353, 360, 361, 368, 378, 379, 381, 384, 408, 429, *post*.

[341]¹ Library of Congress, Jefferson Papers.

² Randolph is replying to Jefferson's letter of Sept. 16 (*Writings*, III. 49). Jefferson had been chosen by Congress, June 14, one of four commissioners to negotiate peace, but had declined. See nos. 159, 263, *ante*.

Mr. Adams has been harrassing the pensionary of Holland with overtures of a treaty of commerce.³ He seems to have committed the dignity of America by his importunities, and being so often repudiated. This he has done against the opinion and advice of Count de Vergennes. Our country does not rest, I hope, upon the prospect of a loan from Holland, or of any new pecuniary aid from France. France has embarrassed herself by her advances for America, and forwarned us to rely on ourselves alone for fresh supplies of Money. I must intreat you to add one other object to your journey to the assembly—enforce the necessity of a state of our accounts against the continent being forwarded to us, and of establishing sufficient funds to enable congress to carry on the war with effect.

Capt. Gillon, who took on board of his ship in France about 10,000£ Ster: worth of clothing, and was supposed to be lost, is arrived at Fal-mouth in Casco bay.⁴

342. GEORGE WALTON TO THE PRESIDENT OF CONGRESS.¹

PHILADELPHIA, 10 October, 1781.

Sir,

Intending to return to Georgia as soon as I can make some little establishment for my family, I request Congress will order me a sum of money for that purpose, in like manner as was done for my late colleagues Colonel Few and Mr. Howly.

When provision was lately made for discharging the necessary debts of the Delegates of the three Southern States, I owed the sum of fifty-six pounds: this I did not draw for, proposing to have paid it by economising the monthly allowance: but going soon after out of Office, that debt, (which ought to be considered upon a footing with those of the other Delegates,) is left upon me undischarged.²

343. EDMUND RANDOLPH TO THE VIRGINIA STATE AUDITORS.¹

PHILADELPHIA Octr. 11, 1781.

Gentlemen,

Being anxious, that my money transactions with the state may be reviewed by you, as often as possible, I take the liberty of forwarding my

³ Letters from Adams were read in Congress Oct. 3. See especially those of May 7 and 16 (two of the latter date), in Wharton, *Rev. Dipl. Corr.*, IV. 401, 419; cf. no. 340, *ante*.

⁴ See nos. 272, 274, *ante*, 344, 481, *post*.

[342]¹ Library of Congress, Papers Cont. Cong., no. 78, vol. XXIV., f. 339.

² The letter was presented to Congress Oct. 10, and an order for five hundred dollars adopted Oct. 13. The committee's report is recorded on the back of the letter.

Samuel Stirk, delegate elect, wrote from Augusta, Nov. 1, to Gen. John Twiggs: "From what I can learn Howly and Walton were much astonished at their not being reelected, the former means to return here immediately, but it is not known when the latter means to make his appearance. Telfair and Jones have taken their seats in Congress. . . . I am told our delegates have been very liberal on the score of drawing. I could wish for the sake of their injured country that the same could be circulated among the people, that the real conduct of our gentry might be properly inquired into, and the people in future know how their affairs are conducted" (Ga. Hist. Soc., MSS.). See no. 321, note 2, *ante*. Probably at the time when Walton was taking his departure (the letter is without date) Jones wrote to the speaker of the Georgia assembly, congratulating him upon Greene's victory, and remarking: "Should anything particular happen in Congress as to our state it will by the Delegation be immediately communicated to you." Hist. Soc. of Pa., Society Collection.

[343]¹ Va. State Lib., Executive Papers.

account of expences, as a delegate to congress, by Colo. Bland. But I am obliged to leave a blank in it, as to the travelling expences of my family from a total ignorance of the footing on which the delegates stand. If you have any difficulty in the business, I beg you to inform me: as I have suppressed many charges rather than to incur a censure of being too minute, and should be mortified, were it ever supposed, that I made improper debits.²

I do not know how far I am justified in charging my family's travelling expences to this place: and shall therefore make no charge, until I hear from you.

If you require me to be more particular I can be so. But there is such a littleness in this business, that I had almost rather lose the whole of petty charges. . . .

The above was written in a hurry, to prepare it for conveyance by Colo. Bland. Excuse the want of formality.

344. THOMAS MCKEAN TO GEORGE WASHINGTON.¹

(Private.)

Sir,

I had the honor of writing last to your Excellency on the 26th of September. Since that time we have had letters from Mr. Adams, at Paris, on the 15th of July, and from Amsterdam on the 3d of August; They confirm what I wrote you last. . . .

Sir Henry Clinton sent off three boats with despatches for Lord Cornwallis; one, named the *André*, carrying a brass six-pounder in her bow, eight blunderbusses, and twenty men armed with muskets, sailed on the 26th September last; the second sailed on the 28th and the third on the 1st instant. We have taken the two last, and by means of a little address and a promise of pardon to a Tory, who was intrusted with one sett of the despatches, I found it was hid on the beach where he was taken; I have procured three Gentlemen of ingenuity and fidelity to proceed to little Egg harbour with the fellow in quest of it. The beach is so extensive and so many places like each other, that it is not yet found, tho' the man is believed to be perfectly sincere in his wishes to recover it. The Gentlemen went from this on Sunday, and I expect their return tomorrow. You shall know the result as soon as they arrive. In the mean time the boat which first sailed should be looked for by the Fleet. I have written to the Presidents of Delaware and the Eastern Shore of Maryland to watch for her.²

We shall be obliged to compleat Colo. Armand's legion, and I despair of doing it with Americans, if all the Field-Officers are French Gentlemen. There is now a vacancy, by the resignation of the Major and if the Colonel would approve of Captain Allen McLean, who is now on half-pay, to be his Major, it would save the half pay, oblige a very deserving officer,

² The account, together with some comments upon it, is embodied in the letter.

[344]¹ Library of Congress, Washington Papers; *Letters of Washington* (ed. Sparks), III. 421.

² See nos. 345, 346, 348-351, *post*.

be a means of speedily filling his corps, and greatly tend to the public benefit: I should be happy if you and the Colonel were of this opinion.

Captain Gilland³ is said to be arrived in the Frigate Charles-town in Casco Bay. He has cloathing, etc. for Congress, to the amount of ten thousand pounds sterling and upwards, and I believe a Million and a half of livres. It is a fortunate arrival, and I sincerely congratulate you upon it, for I now flatter myself your army will be well clothed and paid in future.

The Express delivered your favor of the 1st instant only last night; it shall be laid before Congress this morning.

PHILADELPHIA, October 12th, 1781.

345. THE PRESIDENT OF CONGRESS TO GEORGE WASHINGTON.¹

Sir,

Since my private letter of yesterday to Your Excellency respecting the designs of Sir Henry Clinton and Admiral Greaves to make a second attempt to releive Lord Cornwallis, I have had it strengthened by other accounts, and have just now received in Congress the Letter from General Heath and it's inclosure of which you have copies. This intelligence is of so much consequence, that Congress permit me to spare so much time from other duties as to forward these dispatches immediately. I have not yet learned the result of the expedition to the Sea coast, which I mentioned to you in my last.

The contents of this Letter I have communicated to Count De Grasse by this Express, to be forwarded by water from the Head of Elk, but beg you will be pleased also to transmit it to him for fear of a miscarriage.²

PHILADELPHIA, October 13th, 3 o'clock, 1781.

346. THE PRESIDENT OF CONGRESS TO THE COMTE DE GRASSE.¹

PHILADA. October 13th, 1781.

Sir,

The intelligence your Excellency will receive inclosed herewith is of such importance that I transmit it forthwith by water as well as by land. It is the same that I communicated by Express yesterday to his Excellency General Washington, and which he will immediately forward to you, with the addition, that the British Admiral purposes to take ten Fire-ships with him. I firmly believe a second attempt will be made to relieve Lord Cornwallis, and as firmly that your Excellency, if you receive this information in time, will disappoint him.²

Wishing you the greatest glory and happiness, I beg leave to subscribe myself, with the most profound respect and regard, Sir,

³ Capt. Alexander Gillon. See no. 341, *ante*, no. 481, *post*.

[345]¹ Library of Congress, Washington Papers.

² See no. 344, *ante*, nos. 346, 348-351, *post*. Heath's letter, read Oct. 13, is dated at "Continental Village" (near Peekskill), Oct. 7. It is printed in *Arch. of Md.*, XLVII. 522.

[346]¹ Library of Congress, President's Letter-Book, p. 96.

² See no. 345, *ante*.

347. WILLIAM CHURCHILL HOUSTON TO THE PRESIDENT OF CONGRESS.¹

PHILADA. 13 Octr. 1781.

Sir,

I proposed to have attended in my Place this Morning, and saved Your Excellency the Trouble of this Letter, but am called away sooner than I expected by Company with whom I am under an Engagement to return to New-Jersey. Am therefore to request Your Excellency will be pleased again to express my Acknowledgments to Congress for the Honour they had intended me in the Election to the Office of Comptroller of Accounts, and to beg they will excuse me from undertaking it.²

I regret my having detained them so long from another Election, and hope they will attribute it to an earnest Desire to have obeyed their Commands, if, from the most careful Enquiry and Reflection, I could have thought myself capable of answering their Expectations.

348. THE MARYLAND DELEGATES TO THE GOVERNOR OF MARYLAND
(THOMAS SIM LEE).¹

October 13, 1781.

The Contents of the inclosed appear of such consequence, that two expresses are immediately to be sent of, one to proceed by land, the other by water from the Head of Elk—we have likewise thought it proper to forward copy, to you, not doubting but that you will think the intelligence of sufficient consequence to require a fast sailing boat to be dispatch'd with it to the Count de Grass, least the letters sent by the President shou'd meet with some delay.²

349. THOMAS MCKEAN TO GEORGE WASHINGTON.¹

(Private)

Sir,

My two last letters must, I know from your opinion of my character, have spread the wings of your expectation. My intelligence was true: the inclosed copies of two original letters from Sir Henry Clinton to Lord Cornwallis, which I have in cyphers, and which have been faithfully decyphered by Mr. Lovell (whose key I had the honor to forward to you about a fortnight ago) more than prove the fact.²

[347]¹ Library of Congress, Papers Cont. Cong., no. 78, vol. XII., f. 187.

² This letter was read in Congress the same day. Houston's election to the office of comptroller was on Sept. 24. He does not appear to have attended Congress since some time in July, when he became seriously ill; but he was re-elected to Congress Nov. 2 and took his seat Nov. 28.

[348]¹ Md. Hist. Soc., Red Book, V. 91; *Arch. of Md.*, XLVII. 522.

² The enclosure was Heath's letter of Oct. 7, which is printed *ibid.*, p. 522. See no. 345, *ante*.

[349]¹ Library of Congress, Washington Papers.

² See nos. 318-320, *ante*. In his letter to Washington Sept. 21 McKean does not mention transmitting the key to the cipher. In this letter of Oct. 14 he may have had in mind the transmission of it by Lovell. Elias Boudinot gives the following account of the acquisition of these despatches:

"Before the Capture and at the first preparation for the Siege before Count De Grasse arrived, Genl Clinton sent a row Boat well manned with a Confidential Officer along the

I shall make no comment on the letters of Sir Henry, lest I should wade beyond my depth, but I rest assured you will excuse what I think it a duty to add. From comparing all my secret informations together, I firmly believe the British Admiral has now twenty nine ships of the line, and a very respectable number of Frigates; which, with ten fire-Ships, have probably sailed yesterday for the Chesapeake, having on board between five and six thousand Land forces. As to the three additional ships, they are supposed to have come from the west Indies, and are said to have arrived the beginning of last week. Sir Henry expected to be ready to sail on the 5th instant, I am greatly deceived if he sailed before Friday, for I have had faithful Friends to myself, as well as to the cause, who left the Sea-coast yesterday, some distance, 'tis true, from the Hook to the Southward, who know nothing of it; and if he had sailed before Friday, I believe they would have known it. These are the Gentlemen who brought me Sir Henry's dispatches. Among the letters (all being carefully inclosed in lead) I have found some, that will enable me to prevent some men of Sussex County in the State I have the honor to represent, from doing us much mischief, and perhaps they may enable me to make further discoveries: they have little relation to your immediate concerns, and therefore I shall not trouble you with the contents, except that intelligence is intended to be conveyed to and from Lord Cornwallis by way of the *Tanjier Islands* in the Chesapeake near the Eastern shore. I never heard of them before, and not having time to satisfy myself where they lie, must refer it to your enquiry.

It is far from my thoughts to intermeddle in the operations of the campaign, but I know you will pardon me for suggesting to Major General Heath, that after Sir Henry Clinton sails, it is my opinion there will not be above Four thousand land forces left in New-York and it's environs, of whom there cannot be above a thousand Regulars, and that therefore it may be adviseable for him to be in readiness to attack it, if he should be so directed by you. Should you, Sir, think this practicable, or adviseable, there will, in less than a fortnight after I shall have information of it, be five thousand militia to co-operate with him.

The use that may be made of the three large smocks, if you shall have succeeded against Lord Cornwallis, will readily suggest itself, to you, and if not, the knowledge of it may prove advantageous.

PHILADELPHIA, October 14th 1781, 8 oClock. P. M.

Coast to get into York Town with a Letter to Lord Cornwallis, setting forth his situation and the impossibility of his relieving him with a fleet till a certain day and encouraging him to hold out till that period. The Boat was driven on Shore some where near Egg Harbour, and the Crew taken and brought to Philadelphia. One of the Men discovered in private, where they were bound and that the Confidential Letter had been hidden under a certain large Stone on the Shore by the Officer. A Person was sent to the Place and brought it to Congress. It was in Cypher and after some trouble it was discovered to be in three different Cyphers. However it was decyphered by a Mr. Lovel a member of Congress from Boston, after about two days labour. The original Letter was carefully returned to the Stone, or some means used so that it finally got to Lord Cornwallis, but not before Count De Grasse's arrival, and having the Copy fairly translated. By this means he was enabled to counteract all their intended Maneuvers." John Carter Brown Library, *Journal of Elias Boudinot*; *Elias Boudinot, Journal or Historical Recollections of American Events during the Revolutionary War* (ed. Frederick Bourquin), p. 38; Boudinot, *Life of Boudinot*, I. 235.

350. JAMES LOVELL TO GEORGE WASHINGTON.¹

Evening 14 Octr. 1781.

I gave a Letter for your Excellency this morning to some Gentleman who is connected with the French army, I now understand it will not reach you in Eight Days, but it will reach you doubtless then. It was merely to compleat the Account of the Cyphers used by the Enemy. I found, as I had before supposed, that they sometimes use Entick's Dictionary marking the Page Column and Word as 115.1.4 Tis the Edition of 1777 London by Charles Dille.

Since I wrote that Letter, I have been happy in decyphering what the President of Congress sends by this Opportunity. The use of the same Cypher by all the British Commanders is now pretty fairly concluded.² The Enemy play a grand Stake, May the Glory redound to the Allied Force under your Excellency's Command!

351. THOMAS MCKEAN TO WILLIAM HEATH.¹

Private.

Sir,

The intelligence you have from time to time communicated to Congress has been very satisfactory, and always corroborated what I had derived thro' other channels. I am now to inform you of some facts of the utmost importance: however you may be at a loss to account for numbers or circumstances, believe me, they are founded on the best evidence, and perfectly true in all respects.²

Sir Henry Clinton is ready to sail in person with *upwards of five thousand* chosen troops, Rank and File, on board the British fleet, now consisting of *twenty nine* Line of Battle ships, besides frigates and ten fire-ships. . . .

In this situation of affairs would it not be adviseable to think seriously of an attack on New-York? You may obtain five thousand militia in a few day's to co-operate with you. I rest assured you will be in readiness to execute any Orders you may receive from the Commander in chief on this head. General Washington and Count De Grasse will in a very few days be informed of all these particulars, as I have dispatched Expresses to each by the nearest routs.

PHILAD'IA Oct. 15th 1781.

352. NICHOLAS VAN DYKE TO THOMAS RODNEY.¹

D'r Sir,

. . . . Indeed Sir had I thoughts of going to Congress I should be detained on the same Reason with your self—this Matter I shall lay before

[350]¹ Library of Congress, Washington Papers.² See no. 349, *ante*. Concerning the use of Entick's *Dictionary* by the Lees and others for purposes of a cipher see vol. III., p. 231 n.[351]¹ Hist. Soc. of Pa., McKean Papers, II. 41 (draft).² See nos. 345, 348, *ante*.[352]¹ Hist. Soc. of Pa., Gratz Coll., M. O. C.

the House as soon as they Meet, and unless they immediately provide for the Case this State must continue unrepresented in Congress. I am determined no longer to serve on my own Expences. I have done it for two Years, considering the Distresses of the State etc. but now they may do better and must, if they mean to be represented in that House. Unless they make a proper Provision and point out a convenient and certain Mode of Supply I shall never more appear in Congress, this is my fixed Determination.

15 Octo'r 1781.

353. THE VIRGINIA DELEGATES TO THE GOVERNOR OF VIRGINIA
(THOMAS NELSON).¹

PHILADELPHIA, Oct. 16, 1781.

Sir,

Your excellency's favor of the 5th instant ² gives us great reason to flatter ourselves upon the present prospect in Virginia. Intelligence from New-York announces a fixed purpose in Sir Henry Clinton to force his way into the Chesapeake, with a fleet of 26 certainly, and probably of 29, ships of the line and ten fireships. But we trust, that the bravery and ability, which have hitherto distinguished the French nation, and were so eminently displayed in the late rencontre of the duke de Lauzun, will destroy the illusive opinion of Great Britain, that she reigns the sovereign of the sea.

We learn from the same source of information, that about 40 transports have arrived at New-York under convoy of a ship of 44 guns and two frigates.

In our letter of the last week,³ we promised a copy of our protest against the proceedings of a committee of congress with respect to our western territory. Since that time we received notice to attend on Saturday last at a conference between the committee and the agent for the Illinois, Ouabashé, and Indiana companies. We requested the committee to postpone the conference, until the extent of their powers should be ascertained by a note of congress: but we found, that applications had been made for postponing by the agent. This business was adjourned to Thursday, and will then be entered upon, unless we can arrest it by a motion this morning. It is our wish therefore to defer any farther communication on this head, until the fate of the intended motion shall be known.

Altho' we have refused to submit the territorial rights of Virginia to this committee, we cannot forbear to recommend, from an experience of the calumnies, to which her title is daily exposed, that a representation of her claims should be prepared, and authentic documents collected, at the instance of government. The time may come, when the exercise of jurisdiction in congress will not be so objectionable, and so much opposed

[353]¹ Hist. Soc. of Pa., Gratz Coll., M. O. C. (signed by Jones, Madison, and Randolph).

² *Official Letters*, III. 78.

³ No. 340, *ante*. See nos. 353, 360, 361, 368, *post*.

to the confederation, as the conduct of the committee now is. Should the cessions of Virginia and New-York be rejected, a contest may possibly arise between them, on the subject of the ceded territory. Impressed by the importance of these considerations, and the danger of injury to public records in a season of war, New-York has compiled every paper, which bears the most distant reference to her claims. Ought not Virginia to be equally watc[h]ful? She would derive much advantage, were a copy of her title-papers transmitted to her delegates in congress. At present tho' we are conscious of the justice of her demands, and may probably from memory run thro the grounds of them, we shall not consider ourselves fully armed, until we are furnished in the most authentic, formal and official manner.

We shall endeavour to secure to Virginia her proportion of clothing, agreeably to your excellency's recommendation.

354. JAMES MADISON TO EDMUND PENDLETON.¹

PHILADA. Oct. 16th 1781.

Dear Sir,

When you get a sight of the Resolution of the Gen: Ass: referred to in your favor of the 8th you will readily judge from the tenor of it what steps would be taken by the Delegates.² It necessarily submitted the fate of the object in question to the discretion and prospects of the Gentleman whom reports it seems have arraigned to you, but who I am bound in justice to testify has entirely sup[p]orted the character which he formerly held with you.³ I am somewhat surprised that you never had before known of the Resolution just mentioned especially as, what is indeed more surprising it was both debated and passed with open doors and a full gallery. This circumstance alone must have defeated any reservations attached to it.

The N. York papers and the intelligence from thence make it evident that they have no hope of relieving Cornwallis unless it can be effected by some desperate naval experiment and that such an one will be made.

.....

355. ABRAHAM CLARK TO ELIAS DAYTON.¹

PHILADA. Octo'r 16th 1781.

Dear Sir,

We have not yet recd. any official Account of Genl. Greens Battle on the 8th Sept.—from private Letters only all our intelligenses come. No

[354]¹ *Writings*, I. 157.

² The reference is to the alteration of Virginia's instructions relative to the navigation of the Mississippi and the consequent alteration (Feb. 15, 1781) of the instructions of Congress to Jay. For an elucidation of the matter by Madison in 1822 see vol. V., no. 661, note 5.

³ Pendleton had heard it said that the whole manoeuvre was "one of the fruits of the cabal against Virginia, and by their contrivance the requisition was made by your minister to Spain. I always had a good opinion of that gentleman, and wish for the sake of his character as well as other reasons, it mayn't be true; but if it is, his being recalled and sus. per. coll. [*suspendatur per collum*—let him be hanged by the neck] would be a small recompence to the public for such conduct". The letter, dated Oct. 8, is in Mass. Hist. Soc., *Proceedings*, second ser., XIX. 141.

[355]¹ Hist. Soc. of Pa., Sprague Coll., II. 183.

one here doubts a victory on our side, but I am strongly inclined to believe it was dearly purchased. We are in hourly expectation of the particulars.² As to the operations with you, we are perfect Strangers to them. We hear you are near the Enemy but know nothing of your prospects.³

I expect to leave this Town next month free from every public charge as my Delegation will then expire, and my long continuance will excuse, if not exclude me from the next Choice.

356. ROGER SHERMAN TO THE GOVERNOR OF CONNECTICUT
(JONATHAN TRUMBULL).¹

PHILADELPHIA, Octr. 16th, 1781.

Sir,

. . . .² Some accounts have been lately received from Europe by the Minister of France and communicated to Congress, which will be officially communicated to the several States in a short time. I wish that no hints of this kind be published from my letter.³

The estimates for supplies are nearly compleated and will be transmitted as soon as possible.⁴ Connecticut is not yet represented in Congress. Enclosed is this day's paper, but it does not contain much news.

357. THOMAS MCKEAN TO GEORGE WASHINGTON.¹

Private.

Sir,

Your Excellency's letter of the 6th instant came to hand on the 16th and was read in Congress. I have very little intelligence besides what is

² Elias Boudinot wrote to Lewis Pintard Oct. 16, "This Instant as I am writing in Congress an express from Genl. Greene" (Hist. Soc. of Pa., Boudinot Papers, II. 87). A letter of the same date to his brother, Elisha Boudinot, summarizes Greene's despatches and adds that a letter had arrived in Philadelphia which stated that Cornwallis had sent out terms of capitulation, but that they had been refused (N. Y. Pub. Lib., Emmet Coll., Misc.). Letters from General Greene, Sept. 1, 3, 5, and 11, were read in Congress Oct. 16. That of Sept. 11, which was transmitted by General Washington, gave an account of the battle of Eutaw Springs, Sept. 8. The account is summarized by Sherman in his letter of Oct. 16 (no. 356, *post*), and also in a letter from the Rhode Island delegates the same day (Staples, *R. I. in Cont. Cong.*, p. 352). See also Greene to Washington Sept. 17 (*Letters to Washington*, ed. Sparks, III. 406). Cf. no. 337, *ante*.

³ A letter from Aedanus Burke to Arthur Middleton, dated at "Camp before York", Oct. 16, with continuations to the 19th (*S. C. Hist. and Geneal. Mag.*, XXVI. 186), gives an account of the siege and surrender. A letter of Nov. 18, written from Petersburg (*ibid.*, p. 188), contains some further remarks upon the surrender, among them the following: "Towards the conclusion of the Siege of Y. Officers and men were impressed with a notion that every man wd. be put to the bayonet. No wonder they were so ready to surrender."

[356]¹ Mass. Hist. Soc., *Collections*, seventh ser., III. 289.

² An account of the battle of Eutaw Springs, Sept. 8, is here omitted. See no. 355, *ante*.

³ The reference is probably to the communications reported to Congress Sept. 21.

⁴ See no. 313, *ante*, no. 376, *post*; also the *Journals*, Oct. 30, Nov. 2, 12: cf. Morris to Congress Oct. 18 (Wharton, *Rev. Dipl. Corr.*, IV. 785), and his circular letter to the states Oct. 19 (*ibid.*, p. 790; *Clinton Papers*, VII. 421).

[357]¹ Library of Congress, Washington Papers; Hist. Soc. of Pa., McKean Papers, II. 47 (draft).

contained in General Heath's letter of the 9th, a copy of which you have inclosed herewith, and the letter from Colo: Silvanus Seely, which is now forwarded, together with one for Colo: Ogden.²

The British Fleet had not sailed on Monday, and it is believed they will not be fully ready until Sunday next.

As Chief Justice of this State I shall be under a necessity of attending the Supreme Court next week; besides my health requires a ride into the country, and my mind some relaxation: I shall therefore resign the chair of Congress. If you should after the receipt of this honor me with any private communications, I must request you would not direct to the President of Congress.³

PHILADELPHIA, October 18th 1781.

358. THOMAS MCKEAN TO BENJAMIN FRANKLIN.¹

[October 18, 1781.] ²

Sir,

Inclosed you will receive a letter from congress to his most Xtian majesty. As it contains a general answer to his dispatches by Lt. Colo. Laurens, and informs him, that we have charged our minister plenipotentiary at Versailles to render more particular acknowledgements for his zeal for the reestablishment of peace upon principles coinciding with the liberty and sovereignty of the united state[s] and for the important succours, lately administered to our necessities, we must call your attention to this subject.

We cannot transmit, at present, any intelligence concerning our arrangements. Immediately on their completion you shall be furnished with a copy of them.

² Heath's letter of Oct. 9 was read in Congress Oct. 17. Lieut.-Col. Silvanus Seely was reporting to Washington, from Connecticut Farms, the movements of the British fleet. There are letters from him Oct. 14 and 18; the former is probably the one forwarded by McKean.

³ McKean's letter of resignation, addressed to Secretary Thomson, is in the *Journals*, Oct. 23. The resignation was accepted, but on the following day he was requested to continue to act as President until the first Monday in November, when a new session of Congress, as provided in the Articles of Confederation, would begin. His successor, John Hanson of Maryland, was elected Nov. 5. See no. 375, note 2, *post*.

[358]¹ Hist. Soc. of Pa., McKean Papers, II. 62 (endorsed, "Draft of a letter to Dr. Franklin, October — 1781"); Library of Congress, President's Letter-Book, p. 103 (the letter only).

² In the McKean Papers (though not in the letter-book copy) this letter is preceded by an introductory paragraph as follows: "The Committee, appointed to confer with the Minister of France, report the following draught of a letter to his most Xtian majesty and the following resolution." The resolution reported by the committee follows this letter. The letter to the King of France is in the *Journals*, Oct. 18, and in Wharton, *Rev. Dipl. Corr.*, IV. 784.

Oct. 20 Robert R. Livingston assumed the office of secretary for foreign affairs and at once wrote Franklin (Wharton, *Rev. Dipl. Corr.*, IV. 795). See also his letter to Greene Oct. 20, to Dana Oct. 22, to Adams Oct. 23, and to Luzerne Oct. 24 (*ibid.*, pp. 797, 802, 806, 809). It is possible that McKean's letter to Franklin was not despatched.

The resolution is in these words.

It appearing that the communications to the several ministers of these United states will be frequent and various, according as circumstances may direct, and the situation of the American finances require:

Resolved, that the superintendant of the finances be authorized to make such communications from time to time so far as relates to his department.³

359. ELIAS BOUDINOT TO THE GOVERNOR OF NEW JERSEY
(WILLIAM LIVINGSTON).¹

PHILADELPHIA, Oct. 20th, 1781.

Dear Sir,

I am authorized to give your Excellency official intelligence that the enemy, in order to carry on their correspondence through our state make use of a number of pedlars, who are supplied with proper certificates or licences according to law, which I suppose they forge for this purpose.

We have had no official information from headquarters since the 6th. The private intelligence is all contained in the newspapers of this day.²

360. THE VIRGINIA DELEGATES TO THE GOVERNOR OF VIRGINIA
(THOMAS NELSON).¹

PHILADELPHIA October 23, 1781.

Sir,

The committee, to whom was referred the cession of Virginia, have been industrious in the Audience of counsel, and investigation of the claims of the several great land-companies. We refused to attend their summons, and our reasons will be transmitted to your excellency, as soon as a full state of this proceeding can be prepared. In the mean time, altho' we cannot but view with a suspicious eye the conduct, hitherto observed by Congress towards our country on the subject of western territory, we wish, that every public act, having this conduct for its object, may be postponed, until a particular account of this matter shall be received from us. We should not have intruded this observation upon your excellency, had we not reason from some private dispatches to believe, that our country is highly inflamed against Congress on this ground.² Perhaps our success in the capture of Cornwallis, upon which we cordially rejoice with your excellency, may dictate, from motives of

³ The committee's resolution does not appear with the letter in the *Journals*, Oct. 18, neither is it appended to the letter in the Letter-Book; but a resolution of similar purport, on motion of Edmund Randolph, was adopted Oct. 23.

[359]¹ Harvard Univ. Lib., Sparks Coll., no. 49, vol. III., p. 244; Boudinot, *Life of Boudinot*, p. 227.

² This letter was written on Saturday. On Sunday Boudinot wrote to his wife, giving an account of the attack upon Yorktown, as communicated in Washington's letter of Oct. 12. The next morning, Oct. 22, he added this postscript:

"Monday Morning—8 oClock. At three oClock this Morning an Express arrived with the glorious News of the Surrender of Lord Cornwallis with his whole Army. God be praised. It was on Wednesday last. I congratulate you and all our Friends." N. Y. Pub. Lib., Emmet Coll., Misc.

[360]¹ Hist. Soc. of Pa., Dreer Coll., M. O. C., IV. 76 (signed by Jones, Madison, and Randolph).

² See nos. 340, 353, *ante*, 361, 368, *post*.

prudence, the suppression of every wrathful measure, until an opportunity more fit.³

We shall endeavour to forward by the next mail a cypher, for the communication of secret intelligence without danger of detection.⁴

361. EDMUND RANDOLPH TO THEODORICK BLAND.¹

Dear sir,

PHILADELPHIA, October 23d, 1781.

Since your departure not a syllable of foreign intelligence has occurred. Nor indeed have we heard any thing domestic, except the surrender of Cornwallis—an event on which I most sincerely rejoice with you. I shall send your papers, as many of them at least as I can collect in the course of each week, by every post. A committee of our body are engaged in the memorials of the different land companies. They seem inclined to strike Virginia. We have endeavored to warn them of this improper exercise of jurisdiction. I wish that their proceeding may not oblige our country to awake to something wrathful.²

Mrs. Randolph and myself beg our compliments to Mrs. Bland.

362. ELIAS BOUDINOT TO ELISHA BOUDINOT.¹

My dear Brother,

PHILADELPHIA Octr. 23d 1781.

I take the first opportunity that offers of Congratulating you on the glorious Success of the allied Arms, in the Capture of Lord Cornwallis and his whole Army on the 17th Inst. a Day famous in the annals of american History. Our official Accounts are not yet come to Hand, but a Letter from Compte de Grass announces this happy Event—would to God, that a deep Sense of Gratitude may follow this remarkable Smile of Heaven at this critical Era.

The Extent of this great Victory, cannot be judged of, but by those who are in the Cabinet. It must exceed the most exaggerated Idea you can form of it. Compte de Grass is gone out to meet the English fleet, possessed of the Knowledge of every Circumstance relative to it.²

Kind Love to Sister—Kiss the Heiress for me.

363. ELIAS BOUDINOT TO LEWIS PINTARD.¹

My dear Sir,

PHILADELPHIA Octr. 23d 1781.

Your favour came safe to hand by the Post, and just before arrived the glorious News of the surrender of Lord Cornwallis to Genl. Wash-

³ A letter from Governor Nelson to the delegates Oct. 20, announcing the surrender of Cornwallis, is in *Official Letters*, III. 88.

⁴ See no. 442, *post*.

[361]¹ *Bland Papers* (ed. Campbell), II. 78.

² See no. 360, *ante*, no. 364, *post*.

[362]¹ Hist. Soc. of Pa., Etting Coll., V. 11.

² The letter of the Comte de Grasse, dated Oct. 18, was read in Congress Oct. 22. See nos. 363, 365, *post*. In his so-called "Journal" (see no. 349, note 2, *ante*) Boudinot devotes considerable space to recounting the events that led to the campaign of Yorktown. For a discussion of this subject, based primarily on the papers of Sir Henry Clinton, recently made available, see "A View of Cornwallis's Surrender at Yorktown", by Randolph G. Adams, in *Am. Hist. Rev.*, XXXVII. 25 (October, 1931).

[363]¹ Hist. Soc. of Pa., Boudinot Papers, II. 89.

ington on the 17th, a day which will ever hereafter be famous in the Annals of american History for two of the most remarkable Events of this important revolution, *viz.* the Capture of Burgoyne the pretended Conqueror of the North and Cornwallis the flourishing Conqueror of the South. Our official Letters are not yet arrived and are not expected till tomorrow Evening. The News is announced in a Letter from Compte De Grass, who is gone out to meet the English fleet. I sent this Intelligence to you yesterday as soon as it arrived *via* Princeton, In hopes it would arrive before the Post, that you might not loose a Moment in being partaker of my Joy. I am obliged to you for your News; but the Combined fleet was not bound to Gibraltar but after convoying the French troops to Minorca, are actually now stretched from [blank] to Ireland in order to destroy the whole Trade of Great Britain especially by taking the Jamaica fleet and also preventing succor being sent to Minorca. We have had the most particular and exact acct. of every Movement of the Enemy at New York and Know the particulars of all their Designs. I hope to see you soon. I wish you would bring me 5 or 10 Guineas as I shall be in want. If Count De Grass should slip into New York instead of meeting the English fleet, it would be a glorious Maneuvre.

364. ABRAHAM CLARK TO THE SPEAKER OF THE NEW JERSEY ASSEMBLY
(JOSIAH HORNBLLOWER).¹

PHILADA., Oct. 23d, 1781.

Sirs,

The Instructions of the Legislature respecting the Western Lands and Indiana Claims, etc., have been recd. and attended to. The Cession of Virginia and the Indiana Claim, etc., are before a committee who have not yet reported. The few states at present represented in Congress will render any proceeding in this business difficult if not impracticable; a determination cannot be had without a fuller representation.² . . .

365. ELIAS BOUDINOT TO LEWIS PINTARD.¹

PHILADELPHIA Oct. 24, 1781.

My dear Sir,

A Confirmation of the glorious News of Cornwallis's surrender you will receive by this Day's Paper.² Therefore shall only give you some

[364]¹ N. J. State Lib.; Harvard Univ., Sparks MSS., XXXVI. 328; *N. J. Rev. Corr.*, p. 288.

² See nos. 360, 361, *ante*. Clark mentions that "Dr. Witherspoon . . . hath just made his appearance".

[365]¹ Hist. Soc. of Pa., Boudinot Papers, II. 88.

² The *Pennsylvania Gazette* of Oct. 24 says: "Early on Monday morning an Express arrived in town, with the agreeable and very important intelligence of Lord Cornwallis and his army having surrendered on the 17th inst. We impatiently wait the arrival of his Excellency General Washington's dispatches, particularly this most important event." See no. 366, *post*. The dispatches were brought to Congress by Lieut.-Col. Tench Tilghman, one of Washington's aides, and Boudinot relates concerning him the following circumstance: "When the Messenger brought the News of this Capitulation to Congress, it was necessary to furnish him with hard Money for his Expenses. There was not a sufficiency in the Treasury to do it, and the Members of Congress, of which I was

particulars not mentioned there. . . . This Success was heightened by the true bravery displayed by the Troops of both nations, disarming themselves of resentment and giving Quarters to the *abject Brittons* on their Knees begging for Mercy.

This Conduct contrasted with English humanity displayed at Groton, must stamp their Character (if possible) with a still deeper dye. . . .

one, each paid a dollar to accomplish it" (John Carter Brown Library, MS. Journal: *Life of Boudinot*, I. 235). The episode of Tilghman's journey to Philadelphia with the despatches has been celebrated by Clinton Scollard in a ballad, "The Ride of Tench Tilghman" (*Ballads, Patriotic and Romantic*, New York, Laurence J. Gomme, 1916). The ballad was reprinted in the *General Magazine and Historical Chronicle*, October, 1931.

Tilghman wrote to Washington Oct. 27 (Library of Congress, Washington Papers), giving an account of his journey, as also of the proceedings of a committee who interrogated him concerning the capitulation:

"A Committee, consisting of Mr. Randolph, Mr. Carrol and Mr. Boudinot, were appointed to inquire of me the several matters of a particular kind which were not included in your dispatches. They not only went into these, but into the motives which led to the several Articles of the Capitulation, and I have the pleasure to inform you, that they were perfectly satisfied with the propriety and expediency of every step which was taken—and so indeed were the whole Body of Congress, except the So. Carolinians, whose animosities carry them to that length, that they think no treatment could have been too severe for the Garrison, the officers and Ld. Cornwallis in particular. One of them, whose name I will mention when I have the pleasure of meeting your Excellency, made a Motion that the officers should be detained until the further order of Congress. This was unanimously rejected, as an affront upon you—a violation of the Capitulation—a violation of our own national honor and that of our Ally, whose Admiral and General were parties. Upon the whole, Sir, you may be assured, that the Capitulation is considered, by every unbiassed person both in and out of Congress, as highly honorable to the Arms and beneficial to the interests of both Nations. . . ."

The report of the committee mentioned by Tilghman is in the *Journals*, Oct. 29 (pp. 1082 n.-1083 n.). On the same day Congress directed the board of war to present to Lieut.-Col. Tilghman "a horse properly caparisoned, and an elegant sword, in testimony of their high opinion of his merit and ability". Concerning the motion of the South Carolina delegates (Middleton and Motte), Oct. 25, Boudinot relates the following:

"Lord Cornwallis while Commanding in South Carolina had behaved with great Cruelty to the Citizens, in the opinion of the delegates from that State, and was specially charged with the Murder of Coll. Haines, under pretext of Martial Law. This enraged the Gentlemen from the Southward, and particularly a Mr. Middleton, and soon after Lord Cornwallis Capture, a Motion was made in Congress, that General Washington should cause his Lordship to be executed in retaliation of Coll. Haines and other cruelties committed by him. This Motion was strongly advocated by a very large party in the House, and the prospect of its success greatly alarmed many moderate Members of Congress. Mr. Duane and myself opposed it with all our powers, as contrary to all good faith, having entered into a Capitulation with him, after the facts committed and having knowledge of them—that it would Expose our Commander in Chief to the necessity of resigning his Command or forfeiting his Honor and Reputation etc. etc. etc. The debate continued several Days, and with great difficulty we succeeded in putting a negative on it by a small Majority." MS. Journal; Boudinot, *Life of Boudinot*, I. 242.

From "Camp before York" Oct. 19 (continuation of letter of the 16th), Aedanus Burke wrote to Arthur Middleton: "One hour ago I was one of the many Spectators who saw the British Army march Prisoners of War out of the Garrison of York. . . . To see these very men who had once reduced us to their power, and treated us wth cruelty and insult, I was prompted by a Love of Revenge natural to the mind of man and in my opinion, a very justifiable and useful sentiment in a publick War. But when I beheld them reduced from their former power and Consequence to their present miserable melancholy plight, I for a moment forgot their insolence, their depredations and cruelty to those unfortunate men who had from time to time fallen in their power. They marched thro' both Armies in a Slow pace, and to the Sound of Musick, not Military Marches, but of certain Airs, w^{ch} had in them so peculiar a strain of melancholy, and w^{ch} together wth the appearance before me excited sentiments far different from those I expected to enjoy. One must be something more or less than man not to be Serious on this occasion." *S. C. Hist. and Geneal. Mag.*, XXVI. 185. See further nos. 402, 449, *post*, and the *Journals*, Feb. 23, 1782.

366. THE CONNECTICUT DELEGATES TO THE GOVERNOR OF CONNECTICUT
(JONATHAN TRUMBULL).¹

PHILADELPHIA, Oct. 25th, 1781.

Sir,

We have the honor now to transmit to your Excellency an official account of the surrender of Lord Cornwallis and the army under his command. The dispatches from General Washington were received yesterday morning,² and at two o'clock in the afternoon Congress went in a body to the Lutheran Church, where divine service (suitable to the occasion) was performed by the Reverend Mr. Duffield, one of the Chaplains of Congress. The Supreme Executive Council and Assembly of this State, the Minister of France and his Secretary, and a great number of the citizens attended. In the evening the city was illuminated.³

[366]¹ Mass. Hist. Soc., *Collections*, seventh ser., III. 297 (signed by Sherman and Law).

² The despatches were read in Congress Oct. 24. Washington's letter, Oct. 19, transmitting the correspondence with Lord Cornwallis, is in *Writings* (ed. Ford), IX. 386, (ed. Sparks), VIII. 182. The correspondence, together with the articles of capitulation, is *ibid.*, pp. 530-536. See the *Journals*, Oct. 29 (pp. 1082 n., 1083 n.).

The *Pennsylvania Packet* of Oct. 25 announced: "This morning Colonel TILGHMAN, Aid-de-Camp to His Excellency, Our illustrious Commander in Chief, arrived in town, with the following DISPATCHES to the President of Congress." The word "This" has been erased (doubtless by the recipient of the paper) and a marginal note inserted: "say yesterday morning". The despatches were printed in the issues of Oct. 25 and 27. They were also printed in the *Pennsylvania Journal* of Oct. 27, and in the *Pennsylvania Gazette* of Oct. 31.

³ The *Pennsylvania Packet* of Nov. 1 has the following account of the celebration: "On Wednesday morning the 24th ult. official accounts came to this city, of the surrender of Lord Cornwallis and his whole army on the 19th preceding. At 11 o'clock, the vice-president of the state and the members of the council waited upon his excellency the president of Congress, the members of that august body, and [his] excellency the minister of France who congratulated each other on this great, important and happy event. The standard of the state was hoisted, and at 12 o'clock, a salute was fired from the artillery in the statehouse yard, as also from the shipping in the harbour with colours displayed. In the afternoon the honourable the congress, the minister of France, the council, the chief officers of the state and a considerable number of great and respectable characters, both in the civil and military line, attended divine service, (which was performed by the reverend Mr. Duffield, one of the chaplains to Congress,) to express their gratitude, and return their thanks to the great disposer of all events, for the smiles of his providence, in granting such a glorious and signal success to the army of these United States and their allies. At 6 o'clock the whole city was illuminated, and people of all ranks seemed to contend who should distinguish themselves most, in demonstrating their joy in this important event. By reason of the unfavourable weather, the exhibition of the fire-works, which were new and excellent in their kind, were postponed till the succeeding evening.

"Mr. Alexander Quesnay de Glovay being desirous, upon the evening of the late illumination of this city, to participate with the inhabitants in their testimonies of joy on that memorable occasion, exhibited, at his lodging in Second-street, between Chestnut and Walnut-streets, a beautiful spectacle, *viz*—On the right window were seen thirteen stars, representing the thirteen United States, each of which diverged a ray of virtue towards the name of his excellency general Washington, which encircled a quiver. The names of the thirteen virtues are: 1. Wisdom, 2. Justice, 3. Strength, 4. Temperance, 5. Faith, 6. Charity, 7. Hope, 8. Courage, 9. Religion, 10. Love, 11. Policy, 12. Friendship, and 13. Constancy. Over this were three flowers de luce, which environed the count de Grasse's name, with the motto, HUZZA! diverging three rays of joy towards the said thirteen states.

"On the left window was drawn, the picture of the illustrious American commander, with his lance in his hand, trampling under foot the crown of Britain, with this motto, BRITISH PRIDE. Over this were three flowers de luce, standing about the count de Rochambeau's name, with the motto HUZZA! which also diverged three rays of joy

This great event we hope will prove a happy presage of a compleat reduction of the British forces in these States, and prepare the way for the establishment of an honorable peace. We mentioned in our last that Mr. McKean had resigned the chair. He was by a unanimous vote yesterday morning requested to resume it and act as President until the first Monday in Novr. next, which he has accepted.⁴

367. SAMUEL LIVERMORE TO THE PRESIDENT OF NEW HAMPSHIRE
(MESHECH WEARE).¹

PHILADELPHIA Octo. 30th 1781.

Dear Sir,

I have been confind with the gout but am better so as to get out to Congress.

I have nothing material to write but what is containd in the paper. I shall be under necessity to trouble you with another draft pretty soon, if I can find a purchaser.²

My wish is to get home, from this intolerable expensive place, if once Vermont business was done.

368. JAMES MADISON TO EDMUND PENDLETON.¹

PHILADA., Oct. 30th 1781.

Dear Sir,

I return you my fervent congratulations on the glorious success of the combined arms at York and Gloucester. We have had from the Commander-in-Chief an official report of the fact with a copy of the capitulation, and a general intimation that the no. of prisoners, excluding seamen, etc., would exceed five thousand; but no detail of our gains. If these severe doses of ill fortune do not cool the phrenzy and relax the pride of Britain, it would seem as if Heaven had in reality abandoned her to

towards the aforementioned illustrious hero. The whole was formed by different colours, in the nicest and most expressive manner, and attracted not only the notice, but the universal admiration of the numerous spectators.

"The succeeding evening Mr. PEALE had his house most beautifully illuminated. At the lower window was represented a large ship, under sail, with the word "CORNWALLIS" on her stern, and the flag of France erected over that of the British, emblematical, first, of the assistance of the fleet of our great Ally; second, the taking a fine ship is justly compared to the glorious conquest of Cornwallis; and third, her fast sailing, to his rash and precipitate movements in some of the southern states.

"At the middle window, in the second story, the Portraits of our illustrious CHIEF and the Count ROCHAMBEAU, with rays of glory from them; over their heads, two Laurel Crowns, interlaced; and the whole incircled with palms and laurel branches—With this motto,

"SHINE VALLIANT CHIEFS."

And on the third story, in large letters, the words,

"FOR OUR ALLIES, HUZZA! HUZZA! HUZZA!"

The whole in transparent Painting."

⁴ See nos. 357, *ante*, 375, note 2, *post*.

[367]¹ N. H. Hist. Soc., Weare Papers, X. 67.

² See no. 393, *post*.

[368]¹ Library of Congress, Madison Papers, Ac. 1081; *Writings*, I. 158.

her folly and her fate. . . . With what hope or with what view can they try the fortune of another campaign? Unless they can draw succour from the compassion or jealousy of other powers of which it does not yet appear that they have any well-founded expectation, it seems scarcely possible for them much longer to shut their ears against the voice of peace. . . .

You are not mistaken in your apprehensions for our Western Interests. An agrarian law is as much coveted by the little members of the Union, as ever it was by the indigent Citizens of Rome. The conditions annexed by Virginia to her territorial cession has furnished a committee of Congress a handle for taking up questions of right both with respect to the Ceding States, and the great land companies, which they have not before ventured to touch. We have made every opposition and remonstrance to the Conduct of the Committee which the forms of proceedings will admit. When a report is made we shall renew our efforts upon more eligible ground, but with little hope of arresting any aggression upon Virginia which depends solely on the inclination of Congress. Since the close of the Confederation however, it has been understood that seven votes are necessary to carry every question. This rule in proportion to the thinness of Congress opposes a difficulty to those who attack. It will therefore I believe be impossible for the Enemies of Virginia to obtain any positive injury to her rights. My [grea]test anxiety at present is lest the attempts for that purpose may exasperate the Assembly into measures which will furnish new hopes to the British Court to persevere in the war, and new baits for the credulity of the British nation. The good sense of the Assembly will however I flatter myself temper every express[ion] of their displeasure with due respect to thi[s con]sideration. It would be particularly unhappy if any symptoms of disunion among ourselves should blast the golden prospects which the events of the campaign have opened to us.²

369. THE PRESIDENT OF CONGRESS TO GEORGE WASHINGTON.¹

Sir,

It affords me ineffable pleasure to present to your Excellency the *Thanks* of the United States in Congress assembled, for the distinguished services you have rendered to your Country, and particularly for the conquest of Lord Cornwallis and the British Garrisons of York and Gloucester, and the wisdom and prudence manifested in the Capitulation.

You have herewith inclosed a copy of the Act of Congress passed on this occasion upon the 29th instant, which fully expresses the sentiments with which they are impressed by this glorious event.

Words fail me when I attempt to bestow my small tribute of thanks and praise to a Character so eminent for wisdom, courage and patriotism. and one who appears to be no less the Favorite of Heaven than of his country; I shall only therefore beg you to be assured, that you are held

² See nos. 360, 361, *ante*, 378, 379, 381, 384, *post*.

[369]¹ Library of Congress, Washington Papers; *ibid.*, President's Letter-Book, p. 105.

in the most grateful remembrance; and with a peculiar veneration, by all the wise and good in these United States.

That you may long possess this happiness; that you may be enabled speedily to annihilate the British power in America, which you have so effectually broken by this last capital blow; that you may be ever hailed The Deliverer of your Country, and enjoy every blessing Heaven can bestow, is the sincere and ardent Prayer of one, who professes himself to be, with every sentiment of regard and all possible attachment,

PHILADELPHIA, October 31st, 1781.

P. S. A proclamation recommending a day of thanksgiving and prayer is enclosed for your information.

370. THE PRESIDENT OF CONGRESS TO THE COMTE DE ROCHAMBEAU.¹

PHILADA. October 31st, 1781.

Sir,

In obeying the Orders of Congress contained in their Act of the 29th instant, a copy of which Your Excellency will receive inclosed herewith, I feel a pleasure more easily to be conceived than expressed.

When I reflect on the many obligations my Country is under to his Most Christian Majesty I am deeply impressed with the warmest sensations of gratitude, but more particularly so when I see a gallant Army sent a thousand leagues to our immediate Assistance, under the command of an experienced and great General, who with a cordiality, zeal, judgment and fortitude becoming himself, has so successfully seconded and advanced the progress of the Allied Army in the reduction of the British Garrison at York under Lieutenant General Earl Cornwallis, and compelling the whole to surrender Prisoners of War.

You, Sir, are that General, and to you I am happy in presenting, which I hereby do, *The Thanks of the United States of America in Congress assembled* for the eminent services you have rendered on this important occasion.

371. THE PRESIDENT OF CONGRESS TO THE COMTE DE GRASSE.¹

PHILADA. October 31st, 1781.

Sir,

The Thanks of the United States in Congress assembled is the highest honor that any of their citizens can receive for the most distinguished services. I feel myself peculiarly happy in being the instrument of conveying these Thanks to your Excellency in Obedience to their Act of the 29th instant, a copy of which I have the honor to inclose herewith. Be pleased therefore to accept, what in the name of the United States of America in Congress assembled I most cheerfully give you, Their Thanks for the display of your skill and bravery in attacking and defeating the

[370]¹ Library of Congress, President's Letter-Book, p. 107.

[371]¹ Library of Congress, President's Letter-Book, p. 109.

British Fleet off the Bay of Chesapeake, and for your zeal and alacrity in rendering with the Fleet under your command the most effectual and distinguished aid and support to the operations of the allied Army in Virginia.

I will only add, Sir, that your name will be ever dear to the good people of these States as long as gratitude is a virtue. Your wisdom, your attachment to the essential interests of this country, your effectual completion of the wishes of your Sovereign, and your whole conduct justly endear you to us, and intitle you to every mark of honor that we can possibly confer upon you. May you long retain the smiles and approbation of your Prince, and of all good men, and enjoy all the happiness this world can afford.

372. THE PRESIDENT OF CONGRESS TO BENJAMIN LINCOLN.¹

Sir,

Inclosed you will receive the copy of an Act of Congress of the 30th instant, by which you will observe that you are honored with a new mark of their confidence. You will likewise receive the copy of an Act of the 7th February last, respecting the Powers and duty of the Secretary at war. They are, you will readily conceive, great and important. But the reflection is pleasing that the abilities of the person elected are equal to the arduous Task. The copy of an Act of the 1st instant is also inclosed for your information. Give me leave to congratulate you on this occasion, and to request your speedy determination and answer.²

PHILADELPHIA, October 31st 1781.

373. THE SECRETARY OF CONGRESS TO THE SECRETARY AT WAR
(BENJAMIN LINCOLN).¹

[November 1 (?), 1781.]

Sir,

I have it in charge to furnish you with the enclosed resolution directing two Standards to be presented to the commander in chief, and to inform you that it is the pleasure of Congress that you carry the same into Execution.

I cannot forbear congratulating you on the pleasure you must enjoy in executing so agreeable a commission and am confident you will do it in such manner as will convey to the world as well as to his excellency the commander in chief that dignity and value which it is the wish of Congress should be considered as annexed to this present.²

[372]¹ Library of Congress, President's Letter-Book, p. 111.

² Robert R. Livingston wrote to James Duane Nov. 2: "After Long struggles Congress have at last appointed a Secretary at war. You would not I believe have suspected it to be Genl. Lincoln, who with all his virtues as a man and an officer, I fear from the little knowledge I have of him, will want sufficient activity of Genius for so embarrassing a Department. I may however be mistaken in my conjectures" (N. Y. Hist. Soc., Duane Papers, V. 383). Lincoln gave in his acceptance Nov. 26.

[373]¹ Library of Congress, Papers Cont. Cong., no. 49, f. 567 (draft, endorsed, "Letter from the Secy. of Congress to the Secy. at War Novr. 1781").

² The resolution was adopted Oct. 29 (*Journals*, p. 1081). The standards were transmitted to Washington by the secretary at war Dec. 28 (Washington Papers), and acknowledged by Washington Dec. 30 (*ibid.*).

374. THE PRESIDENT OF CONGRESS TO NATHANAEL GREENE.¹

PHILADA. November 2d, 1781.

Sir,

I had the honor to receive your dispatches of the 1st, 2d, 3d, 5th and 11th September by Captain Pierce, and to lay them before Congress on the 18th last, being the day on which they came to hand.

You will receive inclosed herewith the copy of an Act of Congress of the 29th last month respecting the Battle at the Eutaw Springs in South Carolina, and also a Proclamation recommending the thirteenth day of December next to be observed as a day of Thanksgiving and Prayer throughout the United States.

In obedience to the former I am happy in having another opportunity of testifying the high sense that Congress entertain of the services you have rendered your Country, particularly in the well fought Battle of the eighth day of September last.

I am to present to you, Sir, and do hereby most cheerfully present you The Thanks of the United States of America in Congress assembled, for your wise, decisive and magnanimous conduct in the action of the eighth of September last, near the Eutaw springs in South Carolina, in which with a force inferior in number to that of the Enemy you obtained a most signal victory.

Accept also my congratulations on the conquest of the Garrisons of York and Gloucester under the command of Lieutenant General Earl Cornwallis, who on the 19th of October last surrendered Prisoners of War to his Excellency the Commander in Chief of the Allied Army.

375. ELIAS BOUDINOT TO JOHN STEVENS.¹

PHILADELPHIA Novr. 5 1781.

Sir,

I have the honor of acknowledging the receipt of the Certified Minute of the Joint Meeting, testifying the appointment of Delegates for our State in Congress the Ensuing Year. I am much Embarrassed on this Occasion. I was preparing to return home, having had no Idea of remaining here longer than this day, being the Terms on which I first accepted the Appointment. Indeed had this not been the Case, the exhausted State of my Finances and the Derangement of my Family Affairs would Oblige me to return. The Monstrous Expence attending a residence in this City, must soon take away the ready Cash of any Fortune among us. However as there were only Mr. Clark and myself here, and our Presence absolutely necessary to Form a Congress in this important Conjunction, We took our Seats this Day and have proceeded to the Choice

[374]¹ Library of Congress, President's Letter-Book, p. 112; Hist. Soc. of Pa., McKean Papers, II. 64 (draft).

[375]¹ Hist. Soc. of Pa., Boudinot Papers, II. 90 (draft); Boudinot, *Life of Boudinot*, I. 228, with the address, "To Vice Presidt. John Stevens Esqr."

of a President, Mr. Hanson of Maryland² I shall continue here this week in hopes that your honorable Houses will urge the attendance of one of the other Gentn. by that Time. I shall do myself the honor of calling on you next week, as I have some matters of great Importance I would willingly communicate to the Legislature before my return Home. Never was there Time which required a full Representation of the States more than the present as Matters of the Utmost future Consequence to this rising Empire, are and must be the Subject of constant discussion.

Not being able to command the Acts of Assembly, we cannot determine if a renewal of the usual Oaths are essentially necessary to our representation—we therefore must beg advice on this Subject. We shall continue our Seats until the return of the Post, as our return to Jersey for that Purpose at present, would prevent the whole Business of the United States at a season too critical to admit of such a delay, as the Estimates of the ensuing Campaign are hard and must be immediately Completed.

Mr. Clark intended joining me in this Letter but the opportunity cannot wait my seeing him.

376. SAMUEL LIVERMORE TO THE PRESIDENT OF NEW HAMPSHIRE
(MESHECH WEARE).¹

PHILADELPHIA Nov. 6th 1781.

Dear Sir,

You will receive from the Financier a recommendation to our state, to raise its Quota of 8,000,000 dollars, for the service of the insuing year. This Quota, being 373,598 dollars, which you will find by calculation is nearly a one and twentyeth part of the whole 8,000,000, is as I suppose, eighty or ninety thousand dollars more than it ought to be. And this I urged to the Committee that made the Quotas, of which committee I was one, and also to congress, when it was under debate before them, but without success.² I now write this to you, and to the honourable court, that you may judge, as I Know you can much better than I, first, whether the state is overcharged in the manner above supposed; but secondly and principally, that the Court being informed of the case, may maturely consider and determine what ought to be done, in respect of complying with the requisition, which would establish in some measure, by acquiescence, their quota for the future. I feel on the one hand the importance of an immediate compliance with the requisition, knowing the bad constructions that both our friends and enemys, respectively, might put upon

² The following note, dated Nov. 5, is found recorded in the President's Letter-Book, p. 117:

"Note, This day the United States in Congress Assembled elected His Excellency John Hanson, Esquire, President, the honorable Thomas McKean, late President, having resigned on the 23d of October last, but acted by special request until the present time. [Signed] Samuel Sterrett, Private Sec."

On the same day Secretary Thomson sent identical notifications of the election to General Washington and to the several states. That addressed to Washington is in the Washington Papers; copies are in Papers Cont. Cong., no. 49, f. 563, and no. 58, f. 239; printed texts are in *Pa. Arch.*, first ser., IX. 444, and *Arch. of Md.*, XLVII. 542.

[376]¹ N. H. Hist. Soc., Weare Papers, X. 72.

² See the *Journals*, Oct. 30, Nov. 2, and nos. 313, 319, *ante*.

any thing that looks like an evasion, or removing our shoulder from the burthen; on the other hand, a compliance with a requisition so manifestly out of all proportion may tend to destroy that confidence which the Citizens of our state at large have and ought to have in the Court. You know, that by the confederation, the states should be Quotaed according to the amount of the value of their land; but an estimate of this value has never been made. The committee therefore took for the basis of their quotas the proportion made by a resolution of Congress the 29th of July 1775. (which please to turn to) founded on the supposed number of inhabitants in the several states, wherein our numbers were unfortunately supposed to be 100 000; and our quota of 3,000,000 dollars was 124,069½ doll.

The respective numbers of inhabitants, tho not inserted in the Journal, I am informed were as follows,

N. H.	100,000	N. York	200,000	Mar'd	250,000
Masa.	350,000	N. Jersey	130,000	Virg'a	400,000
Rh'd	60,000	Pensyl'a	300,000	N. Car'a	200,000
Con't	200,000	Del'e	30,000	S. Car'a	200,000
the whole 2,420,000					

But afterwards a true estimate of our numbers was made, and being represented to congress, by our delegates in 1779, to be abt. 76,000, our quota was established accordingly, as Mr. W. Langdond [*sic*] and Col Peabody can inform. We were quotaed in Octob. 1779, 400,000 to 15,000,000 dollars, which is about a seven and thirtyeth part.³ I do not know how that was calculated. I take our just proportion to be abt. a three and thirtyeth part, besides our proportion required to make up the deficiencies of those states that are disabled by the ravages of the war. If the court should think it best to make a representation of this matter to Congress, in order to get the quota set right, before they proceed to raise the mony, it will be necessary to prove, as clearly as possible, that our number of inhabitants did not exceed 76,000 in 1775; because it has been asserted here, that we had 100,000 inhabitants, by a Census taken before the revolution. Now the whole of my complaint is, that we are taxed for 100,000, instead of being taxed for 76,000. I presume this will find the Court sitting, so you will soon come to a determination upon the subject. We have nothing from Vermont. Twenty four standard of Ld. Cornwallis army brot to congress last saturday, displayd and paraded through the city, made a most pleasing appearance. Particulars you will have in the paper inclosed.

P. S. The resolution of congress says this proportion shall not be drawn into example in future. All the former resolutions have said to the same purpose: nevertheless congress have expressly taken the erroneous former guess-work proportion of 1775 for the basis of this. It is further held forth that if any state is *now* over burthened they shall be recom-

³ See the *Journals* for 1779, Jan. 2, 4, 5, May 19, 21, 26, Sept. 13, Oct. 2, 6, 7; *cf.* nos. 379, 382, 398, 455, *post*.

pensed *hereafter*. I fear this word *hereafter* is to be taken in a theological sense.

Yesterday being the day appointed to elect a president Mr. Hanson of Maryland was elected.

377. RICHARD LAW TO JONATHAN TRUMBULL.¹

PHILADELPHIA Nov. 6, 1781.

Sir,

I do myself the Honor to Inclose to your Excellency this Days Paper in which you'll see a particular Return of the Prisoners, ordonance, Stores etc. delivered up on the Surrender of Cornwallis and his Army. Mr. Hanson of Maryland is chosen president for the current year. Congress have but a Thin House as yet, Mr. Sherman set off for home Yesterday, so that the State of Connecticut is unrepresented, hope some Delagates from thence will soon arrive. As there has nothing new turned up since Mr. Sherman left this, beg Leave to refer your Excellency to him for what was antecedent. A motion was this day made in Congress upon the Petition of Pensilvania to take up the Wioming Controversy and Citation will of Course go out to cite in the State of Connecticut to be heard thereon.²

378. THE VIRGINIA DELEGATES TO THE GOVERNOR OF VIRGINIA
(THOMAS NELSON).¹

PHILADELPHIA Novr. 7, 1781.

Sir,

For the present week, we have nothing particular to communicate; the state of the discussion of the cession of Virginia not yet being prepared;² We shall therefore postpone any farther observations on this head, intending to accompany our next information with an account of the quota of money, assigned to Virginia by a late resolution of Congress.³ We beg leave to acknowledge your excellency's favor of the 20th of October, by the last post.⁴

[377]¹ Conn. State Lib., Jonathan Trumbull Papers, XV. 235 (copy furnished by the courtesy of Mr. J. P. Boyd of the Wyoming Historical and Geological Society, Wilkes-Barré, Pa.).

² The Pennsylvania petition was presented Nov. 3, the form of notice and the date for the hearing ("the fourth Monday in June next") was reported by a committee Nov. 14, and the notices were sent out by Secretary Thomson Nov. 21. The notice to Connecticut is in Conn. State Lib., Susquehanna Lands, I. 148, and in the Library of Congress, Papers Cont. Cong., no. 49, f. 573 (draft); that to Pennsylvania is in *Pa. Arch.*, first ser., IX. 448.

[378]¹ Va. State Lib., Executive Papers; *Cal. Va. State Papers*, II. 587. The letter is signed by Madison, Randolph, and Jones.

² See no. 379, *post*.

³ See nos. 356, 376, *ante*, 379, 398, 408, 429, *post*. The promised observations were probably in a letter of Nov. 17, mentioned in the letter of Nov. 20 (no. 387, *post*).

⁴ Nelson's letter of Oct. 20 is in *Official Letters*, III. 88.

379. EDMUND RANDOLPH TO THE GOVERNOR OF VIRGINIA
(THOMAS NELSON).¹

PHILADELPHIA NOV. 7, 1781.

Dear sir,

I am happy in acknowledging the receipt of your late friendly letter. I need not particularize the date, as you will readily call to mind, that it is the only one which you have written to me since my departure from Virginia.

The capitulation of York will create leisure to our country to weigh the crisis of her situation. I give her present circumstances the appellation of a crisis, because upon the measures which she may now adopt depends her rank in the political world. A passage in your letter has taken up one of the subjects to which I allude: the delegates are almost worn down with motions respecting your cession of western territory. The disgust and jealousy conceived against Virginia leave us the bare consolation of having deserved some degree of success; for in no instance have we obtained the smallest. The history of this business is not lengthy. The report of the committee to whom the cessions of New York, Virginia and Connecticut, and the memorials of the Vandania, Illinois, Ouabacha and Indiana companies were referred was recommitted to five other gentlemen. Being informed that New-York and Connecticut proposed to unfold all their title-papers, we attended the committee, but informed them that we did not hold ourselves bound by the example of the two other states, nay that we were not free to submit to the inspection and decision of even congress itself the charters and other territorial documents of Virginia. We grounded our opinion of this limitation of our power upon the resolutions of congress which first procured our cession, and which, as they openly and explicitly professed to be intended to stifle all inquiries into territorial rights, were an actual fraud upon Virginia, if her rights of this nature were to be discussed. Nor could we forbear reprobating this assumption of jurisdiction as contrary to the confederation, because not delegated by it. These remonstrances being made, we listened to a voluminous detail of the title of New-York. She principally builds her demands on grants from the six nations, and thereby becomes a competitor for an important portion of the chartered soil of Virginia. Connecticut, in her turn, was short, resting herself on the Plymouth Charter and purchases made thereon and confirmed by Charles the 2d. Virginia then delivered in to the committee written reasons for declining a similar politeness. Soon afterwards we received notice that the committee were about to confer with the agents of these land companies. It was our idea that, as the cessions of the states and the memorials of the companies had been originally referred in general terms and the report upon them had been recommitted in terms, equally general, the committee had no power to proceed to hear counsel, receive evidence and go thro' the various forms of a regular forensic argument. Certainly we had propriety on our side. For it appeared on the face of the memorials

themselves that the subscribers to them claimed lands within the limits contended for by Virginia. To say nothing therefore of the resolutions abovementioned, if those lands lay within Virginia, to her and her tribunals alone ought the appeal to be made:- if out of Virginia, the confederation does not authorize congress to decide in any manner concerning them. Add to this that it derogates from the dignity of a sovereign state to be drawn into contest with any individual or body of individuals. These doctrines, tho' urged in numberless shapes, could not prevail on congress to arrest the committee in their career. A new report was accordingly made on saturday last, in which it is recommended to Virginia to make a cession with different reservations and conditions. It still remains undetermined by the house. I shall forward the particulars to you upon the completion of the affair; but in the mean time expect nothing favorable. I foresee that Virginia will repeal her cession.

I have observed thus much, because I perceive from your letter that you wished for some information on the subject. But, my dear sir, I trust I may indulge myself in believing that the present assembly will not be irritated to pursue any harsh conduct, at any rate until an official account of the whole matter shall be transmitted by us. Until congress shall pass their judgment on this report it would be premature to enter into any public act respecting it. But let a greater point be consulted. The late capture of the british army opens the avenue to peace. It will be instantaneously shut up, if Great-Britain should have a single glance of a fracture in the American chain. The great ally too, whom we already have, and the two other powers whose friendship we solicit may be shocked at such a procedure. But let the event of the present report be what it will, I hope that no legislative act may be done beyond a protest against the authority now exercised by congress and a repeal of our cession.²

What I mean by a crisis is by this time plainly seen. Virginia is thus found not merely destitute of friends but surrounded by those who labour to retrench her territory. The enmity to her, tho' produced originally by her extent of soil, easily interweaves itself into other matters in which she is concerned. It is incumbent therefore on those who are at the helm of government to render her formidable by a happy management of her resources and by these means to produce the respect due to her real importance. I am justified in saying that she possesses real importance, when I recollect the quota assigned to her out of the eight millions of specie dollars called for by congress for the ensuing year. The confederation, you know, has fixed the proportions of the states according to the value of the land granted and surveyed. There has not been sufficient time, since its final ratification, to procure such an estimate. Recourse was therefore necessarily had to capitation. But even here we had no accurate rule of computation, as we had not access to any census of inhabitants in the united states. The numbers, as stated by the delegates in 1775, were considered as the basis of calculation. Upon this principle our quota would amount to 1,323,408 dollars. On account of the ravages of war a deduction was made of 1/8. New York received also an abate-

² See nos. 360, 361, 368, 378, *ante*, 381, 384, 408, *post*.

ment of $1/2$, North Carolina of $1/6$, South-Carolina of $1/2$ and Georgia of $2/3$. But these deficiencies were afterwards distributed among all the states in proportion to their remaining sums. So that Virginia loses much of the advantage gained by the remission of $1/8$ from the circumstance of being obliged to bear a proportion of these deficiencies; her present quota being about 1,300,000. However, every farthing which has been and will be advanced before the land is ascertained will be credited to the states, and whichsoever of them shall overpay its just quota upon this scale will receive interest of 6 per cent: per annum. The inclosed paper is the rough draught of a calculation to determine the proportions hitherto paid by the different states.³

I was extending this letter farther, when I recollected that the hour of congress is at hand, and that if I wrote any thing more it should be in transcribing these hasty and blotted pages. But, as the correspondence of friends requires no great nicety, I shall only repeat that I am D'r Sir

Y^rs sincerely

EDM: RANDOLPH.

380. THE PRESIDENT OF CONGRESS TO GEORGE WASHINGTON.¹

Sir,

I have the honor of transmitting to your Excellency a copy of an Act of Congress of the 7th instant, for your information and satisfaction.

Your Excellency's letters of the 27th and 31st ult. have been received and laid before Congress.

As this is the first opportunity I have had of writing to your Excellency, since Congress were pleased to elect me to the singular honor of being their President, and as a literary correspondence, from our mutual situations, becomes indispensibly necessary between us, give me leave to assure you, Sir, that it will not only be a pleasure of a superior nature, but invariably my study, to render that correspondence as advantageous and agreeable as possible.

Any intelligence worth communicating, which first reaches me, shall be related with unreserved freedom, candor and punctuality. And permit me to hope for a similar treatment from your Excellency. Already my knowledge of your Character leads me to anticipate infinite satisfaction.

I cannot avoid mentioning, that the present Aspect of our Public Affairs is particularly pleasing; And So much do we seem extricated

³ Cf. no. 376, *ante*, nos. 382, 398, 408, *post*. Nov. 21 Randolph made a motion (seconded by Daniel Carroll) that the states be requested to cause to be made and transmitted to Congress as soon as possible an enumeration of the white inhabitants of each, "pursuant to the ninth article of the Confederation"; but the measure was defeated. Dec. 10 Carroll appears to have proposed that whenever such an enumeration should be made the requisitions should be adjusted in accordance with the proportions shown by the enumeration (see the erased resolve in the *Journals*, Dec. 10); but whether it was defeated or withdrawn is uncertain. The next day (Dec. 11) Carroll offered a motion (seconded by Motte) varying from that of Randolph in only a single word (the phrase "as soon as possible" was altered to "as soon as practicable"), and the motion was carried. In the meanwhile however there had been some changes in attendance.

[380]¹ Library of Congress, Washington Papers; *ibid.*, President's Letter-Book, p. 120; *Letters to Washington* (ed. Sparks), III. 439.

from our perplexing difficulties, and such, I hope, is the power and force of recent Experience, that we shall not relapse into our former state of imbecility and distress.

The events of the present Campaign will, no doubt, fill the most brilliant pages in the history of America. May Heaven still continue to smile on our efforts! With the highest sentiments of respect and esteem, believe me to be, Sir,

Your Excellency's Most obedient and very humble Servt,

JOHN HANSON, President.²

PHILADELPHIA NOV. 10th 1781.

381. JAMES MADISON TO EDMUND PENDLETON.¹

PHILADA. NOV. 13th, 1781.

Dear Sir,

I was favored with yours of the 5th yesterday.² . . .

Nothing definitive has taken place on the territorial sessions. That of Virga. will not I believe be accepted with the Conditions annexed to it. The opinion seems to be that an acceptance of the Cession [of] N. York will give Congress a title which will be maintainable against all the other claimants. In this however they will certainly be deceived, and even if it were otherwise it wo'd be their true interest as well as conformable to the plan on which the sessions were recommended, to bury all further contentions by covering the territory with the titles of as many of the claimants as possible. We are very anxious to bring the matter to issue that the State may know what course their honor and security require them to take. The present thinness of Congress makes it but too uncertain when we shall be able to accomplish it.³ . . .

[P. S.] A series of intercepted letters from Mr. Deane to his correspondents in America have been lately published in New York. The object of all of them, with degrees of varying from cautious insinuation to direct advice, is to bring America back to a dependence on Britain, modified according to the terms proposed by the Commissioners in 1778. The genuineness of some of these letters is upon good grounds questioned,

² This is the second official letter written by Hanson as President. The first, bearing the same date (Letter-Book, p. 118), conveys the thanks of Congress to the retiring President, Thomas McKean (original in Hist. Soc. of Pa., McKean Papers, II. 67).

[381]¹ Library of Congress, Madison Papers, Ac. 1081; *Writings*, I. 161. The letters of Madison in the group designated as Accession 1081 were in many instances printed only in part in the Gilpin edition of the *Papers* of Madison, and, since these letters were not accessible to Dr. Gaillard Hunt when editing Madison's *Writings*, the latter collection included only such extracts from this group as were found in the Gilpin edition. It is not deemed necessary to point out in every instance additions which have here been drawn from the manuscript only.

² Pendleton's letter of Nov. 5 has not been found.

³ See nos. 378, 379, *ante*. A motion was made Nov. 14 to set Dec. 4 for the consideration of the question, but the motion was lost. See nos. 384, 392, 408, *post*.

but more of them contain marks of authenticity which clearly denounce him to be an apostate, and consign his character to the same infamy with that of his friend Arnold. This sentence is delivered here against him with the less hesitation because a prior and indubitable evidence of his degeneracy had been received through another channel. Whether this defection has proceeded, from a mercenary contract with the enemy, from a view of obtaining such an one, or from a chagrin at the obstacle which his country has by a total prohibition of intercourse with the enemy opposed to the commercial projects he went to Europe to execute is as yet matter of speculation.⁴

382. SAMUEL LIVERMORE TO THE PRESIDENT OF NEW HAMPSHIRE
(MESHECH WEARE).¹

PHILADELPHIA Nov. 13th 1781.

Dear Sir,

. . . . I am still in the dark about Vermont, and impatient to hear their determination about complying with the resolution of congress. . . . In my last *vist.* Nov. 6th² I dwelt pretty largely upon the subject of our being over rated in the genl. tax for the year '82 which prevented my saying anything upon the tax in general. For which reason give me leave to make a few observations here. In the first place it was thought necessary to raise the sum of 8 million dollars for the year 1782. Perhaps the large debt we are in, and the interest we must annually pay, might influence the minds of some to raise so heavy a tax. Others perhaps think it best to demand a large sum to gain a small one: and that there is more room for those that choose to be deficient, and to pay nothing, when a redundancy is required. But to come nearer the point, can the united states pay 8 million? This question will be answered by another, *viz*, can N. Hampshire pay her quota of it, properly adjusted? *Not in hard money, I suppose.* Yet her utmost power has never been tryd, perhaps she can do more than we imagine. I allow her proportion rightly adjusted is 300,000 dollars, that is 5,000 yoke of oxen at 60 dollars a yoke. *We can pay that.* Nay we can make the oxen pay it, and not pay a shilling out ourselves. This would be financiering with a witness. I

⁴ The *Royal Gazette* of Oct. 20 announced the interception of a number of letters "that were on their way from Paris to certain demagogues in America", which "disclose the real state of the rebel affairs on the other side of the water, with the ultimate designs of the Courts of Versailles and Madrid, and the helpless condition of the Dutch, etc., etc., etc. Melancholy truths are indeed extorted at last, worthy the views of people too long cheated by their confidants. The public may be assured of having this rich repast spread before them by his Majesty's faithful Printer, in regular detail. A great part of the budget consists of the confidential epistles of Silas Deane and Doctor Franklin, fellow negotiators in the secret transactions of their Congressional High Mightinesses, with their great and magnanimous Ally. The reader may therefore promise himself a copious supply of curious information from this correspondence".

The publication of Deane's letters, which bear dates from May 14 to June 15, began in the issue of the *Royal Gazette* of Oct. 24 and continued through that of Dec. 12. Some of them were reprinted in Philadelphia. The letters may most conveniently be found in N. Y. Hist. Soc., *Collections: Deane Papers*, IV., *passim*. A list of them (their dates, persons to whom addressed, and dates of publication) is found *ibid.*, p. 501. Some later letters (September and October) likewise came under severe criticism. See no. 384, *post*.

[382]¹ N. H. Hist. Soc., Weare Papers, X. 74.

² No. 376, *ante*.

suppose a yoke of oxen to every three men, which wd. no doubt amount to 5,000 yoke. But you will say it is silver and not oxen that is demanded, true: but the art required is to turn these oxen of N. H. the cloathing, the flour, the forrage, the horses, and waggons etca., of other states into cash, or which is the same thing, to receive them specifically for the publick use. This we trust the great abilitys of our Financier to bring about.

[P. S.]³

383. THE PRESIDENT OF CONGRESS TO CERTAIN STATES.¹

Sir,

Congress feel themselves reduced to the disagreeable necessity of directing me to write to your Excellency respecting the deficiency of a Representation from your State. For a considerable time past only seven States have been represented, and those merely by the essential number of Delegates. From this information you will readily conceive, without a minute and painful detail, the numerous inconveniences and real dangers they are subjected to, abstracted from every consideration of interest, honor and reputation. The most important powers Vested in Congress by the Confederation lie dormant at this time by reason of the unpunctuality of the Delegates of six States, in point of attendance; and some of those powers too indispensibly necessary to be exercised at this great and important Crisis.

Permit me, Sir, to flatter myself that it is superfluous to urge any thing more upon this delicate but momentous subject; and to hope that your Excellency's influence will be exerted to prevail upon your State to send forward and keep up a full representation in future.²

PHILADELPHIA NOV. 15, 1781.

384. JAMES MADISON TO THOMAS JEFFERSON.¹

Dear Sir,

PHILADA. Nov'er 18th, 1781.

By the conveyance through which you will receive this,² the Delegates have communicated to the State the proceedings in Congress to which

³ In what Livermore calls a "supplement" to his letter he further discusses the place of oxen in his scheme of taxation.

[383]¹ Collection of the late Garrett D. W. Vroom of Trenton, N. J. (addressed to Governor Livingston of New Jersey); Library of Congress, President's Letter-Book, p. 121 (addressed "To His Excellency the Governor of the State of New York", and with the following "Note. The like *verbatim* to the President of the council of New Hampshire, the Governors of Connecticut, New Jersey and North Carolina, and the President of Delaware").

² See the *Journals*, Nov. 14. A forceful illustration of the consequences of deficient representation is afforded by the vote on Randolph's motion, Nov. 21, when two noes prevailed against twenty ayes. In his reply, Dec. 10 (*N. H. State Papers*, X. 574), President Weare remarked: "Many months past a Delegate was appointed and he accepted to proceed to Congress to join Mr. Livermore in the representation of this State, But such is our unhappy Situation with respect to a Currency, that it has not been in our Power to furnish him with a sufficiency of hard Money and none other will answer."

[384]¹ Library of Congress, Madison Papers, Ac. 1081; *Writings*, I. 162; *Papers*, I. 102. ² Beneath the address Madison wrote, "Capt Irish is requested to deliver this to the Govr. of Virga. with the letter addressed to him". This was Capt. Nathaniel Irish. See no. 387, *post*.

the territorial cessions have given birth. The complexion of them will I suppose be somewhat unexpected, and produce no small irritation. They clearly speak the hostile machinations of some of the States against our territorial claims, and afford suspicions that the predominant temper of Congress may coincide with them. It is proper to recollect however that the report of the Committee having not yet been taken into consideration, no certain inference can be drawn as to its issue, and that the report itself is not founded on the obnoxious doctrine of an inherent right in the U. States to the territory in question, but on the expediency of cloathing them with the title of New York which is supposed to be maintainable against all others. It is proper also to be considered that the proceedings of the Committee, which we labored in vain to arrest, were vindicated not by the pretext of a jurisdiction belonging to Congress in such cases, but alleged to have been made necessary by the conditions annexed to the Cession of Virginia. Although the cession of Virginia will probably be rejected, on the whole, I do not think it probable that all the principles and positions contained in the report of the Committee will be ratified. The Committee was composed of a member from Maryland, Pennsylvania, N. Jersey, Rhode Island and N. Hampshire; all of which States except the last are systematically and notoriously adverse to the claims of Western Territory and particularly those of Virginia. The opinion of the Committee is therefore no just index of the opinion of Congress, and it is a rule observed since the Confederation was completed, that seven votes are requisite in every question, and there are seldom more than 7, 8, 9 or 10 States present, even the opinion of a Majority of Congress is a very different thing from a constitutional vote. I mention these particulars that you may be the better able to counteract any intemperate measures that may be urged in the legislature. I do not hesitate to declare my opinion that the State will not only find in the communications we have made to them ample justification for revoking or at least suspending their Act of Cession, and remonstrating against any interference with respect to cases within their jurisdiction, but that they ought in all their provisions for their future security, importance, and interest to presume that the present Union will but little survive the present war. I am equally sensible nevertheless of the necessity of great temper and moderation with respect to the first point, and in the last that they ought to be as fully impressed with the necessity of the Union during the war as of its possible dissolution after it. If the State wishes any particular steps to be pursued by the Delegates, it would be well for particular instructions to that effect to be given. These will not only be a guide to us, but will give greater weight to whatever is urged by us.³

I inclose you a paper containing two of the many letters lately published in New York with the subscription of Mr. Deane's name. The genuineness of some of them and particularly that to Mr. Morris is generally doubted. There are some who think the whole of them spurious. However this may be there is through another channel indubitable proof that

³ See nos. 379, 381, *ante*. 392, 408, 429, *post*.

no injustice is done in ascribing to him the sentiments advanced in these letters. Either from pique, interested projects of trade, or a traitorous correspondence with the Enemy, he has certainly apostatized from his first principles.⁴

385. WILLIAM ELLERY TO THE GOVERNOR OF RHODE ISLAND
(WILLIAM GREENE).¹

PHILADELPHIA Novr. 18th 1781.

Sir,

This short letter will inform your Excellency of my safe Arrival here on friday last. Genl. Varnum and Mr. Mowrey will make you and the Genl. Assembly acquainted with the news and present State of politics, therefore permit me, sir, to refer you to them.

The naked condition of our Treasury when I left the State, would have render'd any application for money fruitless. I therefore came off with the small sum which could be spared from my family, without asking a grant from the General Assembly. That small sum will soon be expended, and unless I am furnished with money from the State, I shall be in a miserable situation indeed.

386. OLIVER WOLCOTT TO MRS. WOLCOTT.¹

PHILADELPHIA, 19th Novr. 1781.

My Dear,

I arrived here safely last Wednesday and am well.

The Letters published under the Signature of Mr. Dean are I perceive supposed to be genuine, but that the Composition has been improved by *our* Enemy, but by *his* Friends in Case the Letters are his. Mr. Morrice's Character does not suffer in the least by having Mr. Dean's Letters directed to him.²

⁴ See no. 381, *ante*. Robert R. Livingston wrote to James Duane Nov. 2: "Two Letters said to be from Dean to Duer, and to R. Morris, are the subject of much conversation here, and will I suppose furnish no small triumph to the warm partizans of [Arthur Lee?] they place our affairs in Europe in the most melancholy light, and recommend to us to make terms with Britain at any rate. Most people doubt their authenticity. I should myself be of their opinion if I had not reason to believe that Deane has been wavering for some time past" (N. Y. Hist. Soc., Duane Papers, V. 383). Cf. Livingston to Jay Nov. 1 (Wharton, *Rev. Dipl. Corr.*, IV. 816); see also the *Journals*, Jan. 17, 19, 1782, and nos. 386, 408, 430, 431, *post*.

Pierce Butler of South Carolina, at this time in Philadelphia, subsequently a member of Congress, wrote to James Iredell Nov. 16:

"Congress have appointed a variety of public officers, by which they have, in my humble opinion, given nearly all power out of their own hands, reducing themselves to a state of insignificance. . . . In the Freeman's Journal of the 14th you will see two very extraordinary letters from Mr. Silas Dean. I took an opportunity of asking the gentlemen they are addressed to, being well acquainted with them, if they are genuine: they acknowledged to me they were—they received the duplicates by other vessels. What an unprincipled wretch must Dean be! He who puts his hand, as Minister from America, to the very Treaty he reprobates. From the whole tenor of his letters, I must think he has been bought—Money ill bestowed!" McRee, *Life of Iredell*, I. 560 (printed in italics).

[385]¹ R. I. Arch., Letters to the Governors, 1781-1782, p. 52; Staples, *R. I. in Cont. Cong.*, p. 356.

[386]¹ Conn. Hist. Soc., Wolcott Papers, III. 55 (addressed to Mrs. Laura Wolcott, Litchfield).

² See no. 384, *ante*.

387. THE VIRGINIA DELEGATES TO THE GOVERNOR OF VIRGINIA
(THOMAS NELSON).¹

S'r,

Our Letter of the 17th. by Capt. Irish contains those communications, which would otherwise have been the subject of this weeks correspondence.²

We have now to acknowledge the receipt of Mr. Andrews's Letter of the 9th conveying to us the disagreeable information of your Excellencies indisposition from which however he gives us reason to hope you will be soon recovered and able to repair to Richmond.³ The requests contained in his Letter respecting the Guard and provisions furnished by the State for the security and support of the British prisoners at Winchester shall be attended to and answered as soon as it is in our power.⁴

PHILA. 20th Nov. 1781.

388. THE SECRETARY OF CONGRESS TO THE SUPERINTENDENT OF
FINANCE (ROBERT MORRIS).¹

SECRETARY'S OFFICE November 21st, 1781.

Sir,

I have the honor to return the draught of a Letter to his Excellency Don Galvez reported by you in pursuance of the order of the 7th Inst. and to inform you it is the pleasure of Congress that you sign and transmit it to his Excellency by the first opportunity.²

As the letter is to go from your Office, it may be proper that the Papers on which the letter is grounded should be lodged there, I have therefore returned them with your draught

389. THE CONNECTICUT DELEGATES TO THE GOVERNOR OF CONNECTICUT
(JONATHAN TRUMBULL).¹

PHILADELPHIA, Novr. 23d, 1781.

Sir,

We are honored with your favour of the 8th instant pr. Brown. Mr. Wolcott arrived here the 14th. There are now nine States represented

[387]¹ Va. State Lib., Executive Papers (signed by Madison, Randolph, and Jones); *Cal. Va. State Papers*, II. 614.

² See no. 381, *ante*, and no. 429, *post*.

³ Robert Andrews was secretary to Governor Nelson. See *Official Letters*, III. 68n., 96, 97.

⁴ See the *Journals*, Dec. 10.

[388]¹ Library of Congress, Papers Cont. Cong., no. 49, f. 571 ("copy").

² Morris's letter to Don Bernardo de Galvez, Nov. 21, is in Wharton, *Rev. Dipl. Corr.*, IV. 852.

On Nov. 13 the superintendent of finance addressed a letter to Congress proposing "that a salary be fixed to the office of President which may be adequate to the expense" (Papers Cont. Cong., no. 137, vol. II., f. 333; Wharton, *Rev. Dipl. Corr.*, IV. 839). A provision for the President's household was adopted Nov. 21, but no salary was annexed to the office. See this editor's note on "Perquisites of the Presidents of the Continental Congress", in *Am. Hist. Rev.*, XXXV. 69 (October, 1929).

[389]¹ Mass. Hist. Soc., *Collections*, seventh ser., III. 303 (signed by Richard Law and Oliver Wolcott).

in Congress. In the arrangment of the Treasury Department it is provided that the Financier recommend the number of Auditors requisite, which he has not yet done, but as soon as he makes report on that head, they will be appointed, and doubt not it will be thought necessary they repair to the respective States to liquidate their accts. The requisition for supplies is forwarded by the Financier, with his letter thereon.² Tho our successes have been truly glorious and important the present year, yet it is of the utmost consequence that we suffer them not to slacken our exertions in making preparations for the insuing campaign, as that alone will put us on a respectable footing, either for negotiation or war. Congress have a Com'tee now out upon the subject of what number of troops is necessary and apportioning the quota of each State. . . .

390. THE PRESIDENT OF CONGRESS TO THE MARQUIS DE LAFAYETTE.¹

PHILADELPHIA, NOV. 24, 1781.

Sir,

It is with infinite pleasure and satisfaction that I transmit to you the inclosed copy of an Act of Congress of the 23d instant.

Believe me, Sir, that Congress being sensible of your great ability, integrity and fortitude, and your distinguished and zealous attachment to the cause of America, have, with the greatest cheerfulness, bestowed upon you the new and great marks of confidence and esteem contained in that Act—and certain I am they could not have bestowed them more worthily or with greater propriety.

I shall at this time only beg leave to assure you, that it is my most sincere and ardent prayer, that you may have a safe and prosperous Voyage to your native Country; that you may receive a gracious and welcome reception from the greatest and best of Kings; and that you may arrive to an happy and pleasing interview with your Family: And permit me to indulge the Hope of your speedy return to America.

391. THE SECRETARY OF CONGRESS TO THE SECRETARY FOR FOREIGN AFFAIRS (ROBERT R. LIVINGSTON).¹

Sir,

I have the honor to return enclosed the draught of a letter to the hon'ble Benjamin Franklin esqr. and to inform you that it is the pleasure of Congress that the letter be written and forwarded by you in your official character.²

Novr. 26, 1781.

² Morris's circular letter to the states, dated Nov. 17, is in Wharton, *Rev. Dipl. Corr.*, IV. 840; cf. *ibid.*, pp. 790, 816, 818, 822, 831, 851.

[390]¹ Library of Congress, President's Letter-Book, p. 127.

[391]¹ Library of Congress, Papers Cont. Cong., no. 55, f. 243 (bearing Livingston's endorsement).

² The *Journals* do not record Livingston's inquiry or the decision of Congress. However, an editorial note (p. 1141 n.) states that on Nov. 23 a letter of Major-General Dupontail of the same day was referred to a committee and, "on their report, to the

392. JAMES MADISON TO EDMUND PENDLETON.¹

[November 27, 1781.]

Dear Sir,

Your favor of the 19th instant came to hand yesterday.² On the same evening arrived our illustrious General returning to his position on the North river. We shall probably however have his company here for some days at least, where he will be able to give Congress very seasonable aid in settling the military establishment for the next year, about which there is some diversity of opinion.³

The Delegates have lately transmitted to the Govr. for the Assembly all the proceedings which have taken place on the Subject of the territorial cessions.⁴ The tenor of them and the reception given them by the assembly will I doubt not be communicated to you by some of your correspondents in it.

393. SAMUEL LIVERMORE TO THE PRESIDENT OF NEW HAMPSHIRE (MESHECH WEARE).¹

PHILADELPHIA Nov. 27th 1781.

Dear Sir,

I hinted to you in a former letter ² that I should trouble you with another bill as soon as I could find a purchaser. My mony is almost gone and I can get no one at present to take my bill. Mr. Pringle says my other bill is not paid. No one wishes to purchase a bill otherwise than at ten days sight. You are sensible Sir a person can not live here without mony. What is to be done?

394. THE SECRETARY OF CONGRESS TO GEORGE WASHINGTON.¹

Sir,

I have the honor to inform your excellency that the United States in Congress assembled have resolved to give you an Audience this day at

Secretary of Foreign Affairs". Livingston's letter of inquiry, dated Nov. 25 (with which he also transmitted the "heads of the communication" made to him by the minister of France and by him communicated to Congress Nov. 23), is in Wharton, *Rev. Dipl. Corr.*, V. 3. The letter to Franklin respecting Duportail, dated Nov. 24, is *ibid.*, IV. 868. Nov. 26 Livingston wrote Franklin setting forth particularly the financial situation (*ibid.*, V. 4). One copy of the letter (which is largely in cipher) is in Hist. Soc. of Pa., Franklin Papers, I. 281, another in Univ. of Pa., Franklin Papers, V. 73. See also Robert Morris to Franklin Nov. 27 (Wharton, *Rev. Dipl. Corr.*, V. 12).

[392]¹ Library of Congress, Madison Papers, p. 41; *Writings*, I. 164.

² Pendleton's letter of Nov. 19 is in Mass. Hist. Soc., *Proceedings*, second ser., XIX. 144.

³ See the *Journals*, Nov. 27, 28, and nos. 395, 403, *post*. Madison expresses the hope that Virginia will not fail to bring into the field her quota of men.

⁴ See nos. 379, 381, 384, *ante*. Apparently apropos of this question, Pendleton remarked in his letter of Nov. 19: "I find your *brood* committee have at length *hatched* a report, and though it seems probable from circumstances that it may not be agreed to at present, yet what is the consequence? It will I suppose lie on your table and be ready for all the operations of intrigue, party and finesse."

[393]¹ N. H. Hist. Soc., Weare Papers, X. 80.

² Oct. 30, no. 367, *ante*. The omitted part of the letter chiefly concerns Livermore's financial predicament.

[394]¹ Library of Congress, Washington Papers.

One oclock in order to give you a farther testimony of the high esteem they have for your person and services and to communicate their intentions respecting provisional measures for the next campaign.

Wednesday Novr. 28, 1781.

395. A COMMITTEE OF CONGRESS TO GEORGE WASHINGTON.¹

PHILADELPHIA Novr. 28th, 1781.

Sir,

I am instructed by the Committee, appointed to consider the establishment of the army, and to confer thereon with your Excellency, the Secretary of War, and the Superintendant of Finance, to request your aid on this Subject, at 11 oClock on Saturday morning, in the Committee room of Congress.²

It is impossible to Specify all the particulars of this enquiry; I shall therefore suggest to your Excellency the most obvious points in it only.

1st. What number of infantry, cavalry, and artillery will be equal to offensive operations?

2d. What number of commission'd, and staff officers are there above the complement of 25,000 rank and file?

3d. How many commission'd, and staff officers will be necessary for 10,000 rank and file?

4th. What will be the amount of their pay, subsistence, and emoluments etc.?

5th. Of what number does the present army consist?

6th. What is the number of men in the different lines?

7th. Cou'd a reduction of the Officers be made with propriety?

8th. Upon what revenue can the United States count with a reasonable prospect of success?

9th. Is it proper, that Congress shou'd engage any bounty?

10th. By what day shou'd the men be requir'd to be in the field?

11th. If a reduction of officers shou'd be ordered, by what time cou'd it be accomplished, and upon what principles?

12th. What wou'd be the amount of the 1/2 pay of the officers for 10,000 Rank and file?

The preceding points, tho' not in the whole relative to Yr. Excellencys functions, are notwithstanding submitted to yr. consideration, that you may have a general view of the matter on which the Committee propose to confer.

I have the honor to be with great esteem

Yr Excellencys Most obt. and hble. Sevt.

DANL. CARROLL Chr. of the Com'ee.

[395]¹ Library of Congress, Washington Papers.

² See the *Journals*, Nov. 27, 28, and nos. 227, 232, 247, 265, *ante*, 403, 406, *post*. Washington attended Congress Nov. 28. He replied to this letter, Nov. 30. (Washington Papers), that the queries were too extensive for him to be prepared to answer them at once.

396. SAMUEL OSGOOD TO WILLIAM HEATH.¹

PHILADELPHIA Novr. 30th 1781.

Dear Sir,

Your Favor of the 12th Instant, addressed to the Delegates of Massachusetts, was duely received. We are sensible that the Mass'tts Line have a Right to the Promotion which you mention; and an Attempt was made some Time since, but faild of Success.

General Lincoln having accepted the Appointment of Secretary of War; no Promotions can be effected but thro him—And as he is fully acquainted with the particular Matter, about which you have wrote to us, we flatter ourselves, that he will give it that Attention which it merits.

As the Commander in Chief is now in the City, and a Committee of Congress are appointed to confer with him upon several Subjects, the Promotion due to the Massachusetts Line, will be particularly attended to by the Delegates of that State.

397. THE PRESIDENT OF CONGRESS TO THE SEVERAL STATES.¹

Circular.

Sir,

You will receive enclosed herewith a copy of an Act of Congress of the 23d. instant, respecting infractions of the Laws of Nations, and the erection of proper tribunals for punishing them.

Such is the importance of the objects recommended in that Act, and so obvious is the necessity for some regulations respecting them, that I feel satisfied they will engage the immediate attention of your Honor and the Legislature of your State.

PHILADELPHIA, 31 Nov. 1781.²398. THE GEORGIA DELEGATES TO THE SPEAKER OF THE GEORGIA ASSEMBLY (JOHN JONES).¹

December 3rd, 1781.

Sir,

. . . . You may in all probability be informed by the Superintendant of Finance That the Quota allotted to Georgia of Eight Millions of Dollars to be raised in the United States for the ensuing campaign, has been ascertained at twenty four thousand nine hundred and five Dollars. We used every possible means to reduce even that sum: and upon the close of the estimate Congress were informed that a Tax

[396]¹ Mass. Hist. Soc., Heath Papers (signed, "Samuel Osgood In Behalf of the Delegates").

[397]¹ Haverford College, Roberts Coll., 733 (to the governor of Georgia); Library of Congress, President's Letter-Book, p. 128; *id.* to the governor of Virginia, see Henkels, *Catalogue*, nos. 1074 (pt. III.), 1139, and 1189; *Pa. Arch.*, first ser., IX. 463; *Clinton Papers*, VII. 531; *Arch. of Md.*, XLVII. 559.

² The letter-book copy and all the texts which have been noted bear the date Nov. 31. A letter from President Hanson to Washington, transmitting a resolve of Nov. 28, is likewise dated "31st Nov. 1781".

[398]¹ Harvard Univ. Lib., Sparks MSS., no. 59, p. 579 (signed by Edward Telfair and N. W. Jones).

Bill was not to be expected, as our distress, by means of the ravages of the enemy had effectually precluded every idea of Taxation for some time. We therefore hope you will rest easy on this head.² . . .

399. WILLIAM FLOYD TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

PHILADELPHIA, December 3d 1781.

Sir,

I have been here about ten days but am not able to give a Vote in Congress as my Colleague is not yet arrived. Several States being unrepresented as well as ours, which makes a very thin house and Difficult to do Business as every Question Requires seven states to agree to it before it can pass.

. . . I hope another of my Colegues will come on as soon as possible, for it is very Disagreeable for me to be attending here without being able to give a Vote on Interesting Questions. I would, therefore, beg that you would urge the Attendance of some one or other of them.² . . .

400. THE VIRGINIA DELEGATES TO THE GOVERNOR OF VIRGINIA
(THOMAS NELSON).¹

PHILA'A 4th Decr. 1781.

S'r,

Relying on the assurances given by your Excellency, that we should be relieved from our embarrassment here, by the agency of Mr. Ross to whom our supply had been committed, we ceased from further representations on that head, believing them to be as disagreeable to you as they were painfull to ourselves—but the experience we have had of Mr. Ross's exertions serves only to shew he wants either the inclination or the ability to extricat[e] us from our difficulties, the supplies furnished being inadequate to our occasions, and chiefly by Bills drawn upon Credit obtained here payable from forty to sixty days sight, and discounted at a loss to the State of from 10 to 18 and 20 per cent.—a trafic as disagreeable to us as dishonourable and injurious to our constituents.² . . .

401. JAMES LOVELL TO MRS. ABIGAIL ADAMS.¹

Decr. 4th, 1781.

In answer to some Questions contained in your Letter of Sept. 26, you may know that Mr. Laurens might [pay any sum up to five hundred

² See the *Journals*, Oct. 30, Nov. 2; cf. 376, 379, *ante*.

[399]¹ *Clinton Papers*, VII. 535.

² See the letter of John Morin Scott to Governor Clinton, written from Fish Kill Dec. 1 (*ibid.*, p. 532), and Clinton to Scott Dec. 3 (*ibid.*, p. 539).

[400]¹ Va. State Lib., Executive Papers (signed by Madison, Randolph, and Jones); *Cal. Va. State Papers*, II. 639.

² The remainder of the letter pertains to a bill drawn on the governor, "which, if duly honoured in Virginia, will establish a fund of supply for the Delegates, who may attend in Congress, for part of the ensuing year, and relieve them from the inconveniencies and anxiety of precarious subsistence".

[401]¹ Adams MSS., Boston.

pounds] S'g therefore the same is now to be done at discretion. [F. Dana is] *accompanied* under somewhat similar discretionary stipulations.² Indeed you are mistaken about the Scales. I should be happy to be *sure* of what you only *conjecture*. I mean that [J. Jay goes.]³ . . .

402. THE PRESIDENT OF CONGRESS TO GEORGE WASHINGTON.¹

PHILADELPHIA, December 5th, 1781.

Sir,

I am directed by Congress to inform your Excellency that you proceed to the exchange of Officers that are on parole, for an equal number of our Officers who are Prisoners of War, Rank for Rank; and where that will not apply to proceed by composition, as far as the enemy will agree, without exchanging Lieutenant Genl. Earl Cornwallis.²

403. DANIEL CARROLL TO GEORGE WASHINGTON.¹

PH'A Decr. 5th 1781.

Sir,

The Committee has instructed me to submit to yr. Excellencys consideration the enclosed propositions relative to the army, on which they desire to confer with you in the Committee room of Congress at half hour after ten OClock to morrow morning if convenient.²

[The following resolutions, in Carroll's writing, although found in the Washington Papers in connection with his letter of November 28, are evidently the resolutions here referred to:]

Resolv'd that the Legislature of each State raise at the expence thereof in the first instance, to be reimburs'd by the United States, so many men, as may be necessary to complete its Quota of the number of land-forces agreed upon in the resolutions of the third and twenty first day of Octr. 1780, calculating its deficiency upon the number of men which it will probably have in the field on the first day of March next.

Resolv'd, that the Commander-in-Chief cause returns to be made, as speedily as possible, to the Legislature of each State of the number of men, which such

² The question to which Lovell is replying appears to relate to the authority possessed by John Adams, as the successor of Henry Laurens to the Dutch mission, for the payment of a secretary. In Laurens's case the resolution of Nov. 1, 1779, limited the salary of his secretary to three hundred pounds, but the resolution was reconsidered a few days later and altered to read, "not exceeding five hundred pounds sterling per annum" (*Journals*, Nov. 5, 6, 1779). The provision in Dana's case (June 26, 1781) was "a sum sufficient to enable him to engage a private secretary, or clerk, when he shall assume his public character of minister plenipotentiary to the Court of Petersburg". In the meantime Dana was to serve as secretary to the ministers appointed to negotiate a peace, at a salary of one thousand pounds sterling per annum in full for services and expenses (*Journals*, Oct. 4, 1779). See also a memorandum respecting the salaries of ministers and their secretaries, in the *Journals* under Jan. 2, 1782.

³ The words in square brackets are written in cipher. See no. 166, note 2, *ante*.

[402]¹ Library of Congress, Washington Papers; *ibid.*, President's Letter-Book, p. 129.

² Such an instruction is not recorded in the *Journals*. See however the motion of Madison Dec. 3 (*Journals*, pp. 1150-1151). Concerning the exception proposed to be made in the case of Cornwallis see no. 365 (note 2), *ante*, no. 423 (note 3), *post*.

[403]¹ Hist. Soc. of Pa., Gratz Coll., M. O. C.; Library of Congress, Washington Papers ("recent copy", dated Dec. 1).

² See no. 395, *ante*, no. 406, *post*, and the *Journals*, Dec. 10.

State will probably have in the field, under the present enlistments, on the first day of March next.

Resolv'd, that the Legislature of each State be called upon in the most pressing manner, to have the regiments thereof compleated and in the field by the first day of March next at farthest.

Resolv'd, that it be recommended to the Legislature of each State to fill up the regiments thereof for three years, or during the war.

Resolv'd, that after the first day of each State shall be accountable to the United States for the pay and emoluments of every regimental Officer belonging thereto, who shall be excluded from actual employment in their respective grades, by a deficiency in the number of men hereby requir'd from such State, or in the number which may be deem'd by the Commander in Chief proper for the actual employment of the Officers in their respective grades.

404. BENJAMIN HAWKINS TO ABNER NASH.¹

PHILADELPHIA 5th decr. 1781.

Dear Sir,

. . . . The Dutch at last seem determined to act spiritedly, and are making great exertions to repair and Augment their navy, we now expect a loan of money from them, and we have some assurances that our expectations are well founded,² I say this because on some former occasions it has been expected from whence [a loan?] was not to be had. . . .

I have obtained from Congress for our State one thousand stand of arms, in addition to the thousand furnished by the Commander in Chief, to be delivered immediately to our [or]der at Richmond with Cartridge boxes, Flints, Cartridges, powder and Musket Ball, in proportion to the muskets,³ tho I hope by this you do not need them, as I expect the post at Wilmington will be this month reduced or evacuated, and the enemy be pent up at Charlestown, by a regular form until we shall be able to reduce them.

I must repeat to you my old request that you would come on to Congress, as soon as the assembly sets. You would be happy here. I shall return shortly, I hope. . . .

It is now one o'clock at night therefore adieu, as I can write no more.

BENJAMIN HAWKINS.

405. WILLIAM FLOYD TO THE GOVERNOR OF NEW YORK (GEORGE CLINTON).¹

PHILADELPHIA December 6th 1781.

Sir,

Since writing to your Excellency two days ago I have been honoured with your Letter of the 24th of Nov'br with Several others therewith Enclosed, all which are Delivered.²

[404]¹ N. C. Hist. Comm. (addressed, "Abner Nash esquire, New Bern").

² See the "heads of a verbal communication" from the minister of France to the secretary for foreign affairs, in the *Journals*, Nov. 23. The Maryland delegates sent to Governor Lee, Dec. 4, an extract from this communication, referring particularly to the minister's statement that he had reason to think that the loan negotiating in Holland would be completed (*Arch. of Md.*, XLVII. 562). Cf. no. 391, ante, no. 406, post.

³ See the *Journals*, Nov. 20, Dec. 3.

[405]¹ N. Y. State Lib., Clinton Papers, no. 4197; *Clinton Papers*, VII. 555.

² A letter from Clinton to the delegates Nov. 24 is in *Clinton Papers*, VII. 515. A letter to the President of Congress, of the same date, transmitting resolutions of the

The Concurrent Resolves of the Senate and Assembly Respecting the New Hampshire Grants has been Read, and I did my Endeavour to have them Entered on the Journals, but Could not Succeed in that; Gentlemen who were opposed to it urged, that it was unprecedented and very Improper to Enter on their Journals, Concurrent Resolves of any State, which had a Direct tendency to Criminate Certain Resolutions of Congress. It Stands Entered on the Journal that they were Read and ordered to be Filed in the Secretaries office.³

The other Resolves with your Excellencys Letter Shewing the Distressed Circumstances of our State, I have got Committed to a Special Committee, and as soon as the Determination of Congress is had thereon I will do myself the pleasure to advise you thereof.⁴

406. THE RHODE ISLAND DELEGATES TO THE GOVERNOR OF
RHODE ISLAND (WILLIAM GREENE).¹

PHILADELPHIA, December 6, 1781.

Sir,

We do ourselves the honor to inform your Excellency, that the Minister Plenipotentiary from the Court of France to these United States, has lately communicated to Congress, thro' our Secretary for foreign Affairs, that he had it in command from the Minister of France, to inform Congress, that the King, his Master, was highly pleased with the Confidence Congress had placed in him, and that the King would pay the same Attention to the interest of the United States, as to that of France; that Congress would have no reason to say that they had misplaced their Trust, that if all was not obtained that the United States had reason to expect, it must be imputed to the unavoidable Events of War, that from the late successes and present appearances, the King had no reason to expect he should be under the necessity of making any concessions, either on his own part, or that of the United States, that it is his most earnest wish, that every possible Measure should be taken and every exertion made by the United States to be ready for an early and spirited campaign. The reasons are given that make those measures the more necessary, but must at present be omitted.²

. . . Congress have received a letter from the Governor of the State of New York, inclosing a number of resolutions of the Senate and Assembly, of that state, declaring their right in and over the territory or tract of land heretofore called, the New Hampshire Grants, the allegiance, that hath been from time to time paid by the people inhabiting those

New York assembly Nov. 15 and 19, is *ibid.*, p. 516. The resolutions are *ibid.*, pp. 516-519. Another letter from Governor Clinton to President Hanson, Nov. 24, respecting the financial condition of the state, is *ibid.*, p. 520. Letters of the same date to the secretary for foreign affairs and to the superintendent of finance are *ibid.*, pp. 514, 523.

³ See the *Journals*, Dec. 5, 6; also no. 304, note 3, *ante*, nos. 407, 414, 416, 422, *post*.

⁴ See the *Journals*, Dec. 5 (p. 1160 n.), 20, and nos. 422, 434, *post*. Governor Clinton wrote to Floyd Dec. 3 respecting a personal account of the year 1776 for advances to the commissariat (*Clinton Papers*, VII. 535), and Floyd replied Dec. 15 (*ibid.*, p. 581). [406]¹ R. I. Arch., Letters to the Governors, 1781-1782, p. 62 (signed by Ellery and Cornell); Staples, *R. I. in Cont. Cong.*, p. 357.

² See nos. 391, 404, *ante*.

lands, to the said State, also, protesting against the Acts of Congress that declare the aforesaid Territory to be an independent State, by the Name of Vermont and setting forth that the said Acts are contrary to several articles of the Confederation, and further protesting against any measures that have been taken by Congress, or that they shall hereafter take to carry said Acts into execution, and finally instructing their Delegates in Congress to use every means in their power to prevent the same. Congress have not received a single line of intelligence from the State of Vermont since the passing the aforementioned acts.³

A committee has been appointed to confer with the Commander in chief and Secretary at War on the best measures for arranging and filling up the Army, so as to make it respectable. The committee have reported that it is inexpedient to make any alterations in the last arrangement that was made by Congress on the 3d and 21st of October 1780 and that the several States be called upon to fill their Regiments with Recruits to serve for three years or during the War. It appears probable, Congress will agree to the Report of the Committee, and that requisitions will be sent to the several states accordingly. If this should take place we shall be happy to give you the earliest information. We apprehend you will be a little surprized at the deficiency that will appear to be in our Regiment when Col. Olney's Returns come to hand. The Colonel is arrived at the Head of Elk with his Regiment, after having experienced almost every kind of distress in a long passage by Water from York Town. The Regiment is very sickly, the small Pox has got among the last Recruits. in this case they are not alone, many from other regiments being down with it.

All the Executive Business under Congress is now in new hands and we hope for the better and have the happiness to think that not only much less money is misapplied, than has been at many former Periods, but turned to much more advantage to the Public.

Since writing the above, the Report of the Committee respecting the Arrangements of the Army, as mentioned in a preceding paragraph, has been agreed to in Congress without any alterations. The Resolutions will be forwarded to you by the Secretary of Congress by this or next post.⁴ We beg leave to refer you to the inclosed News Papers, for the little public News there is at this time passing.

407. SAMUEL LIVERMORE TO THE PRESIDENT OF NEW HAMPSHIRE
(MESHECH WEARE).¹

PHILADELPHIA Decr. 10th, 1781.

Dear Sir,

I have drawn you a bill for one hundred pounds at ten days sight. The bill I suppose will be sent by Mr. Robert Morris in whose favour it is drawn to Col. Langdon for the use of the 74 gun ship he is building.

³ See no. 405, *ante*.

⁴ See nos. 395, 403, *ante*, and the *Journals*, Dec. 10.

[407]¹ N. H. Hist. Soc., Weare Papers, X. 84; Harvard Univ. Lib., Sparks MSS., XXXV. 141 (last paragraph).

I have heard nothing about a new choice of deligates in N. H. consequently I take it to be the pleasure of the state that I should stay here 'till the 18th Jany. and then return. If I should hear nothing from you I shall shape my course accordingly. I suppose the above sum will just bring me home.

The State of New York have sent Congress a resolution of theirs by way of protest against the proceedings of congress, in the affairs of Vermont, and as Vermont does not appear to comply with Congress in their resolution of Augt. last, I expect the whole work will be to go over again.² President Wheelock is here, he professes to have nothing to do about the state of Vermont, but to obtain something for the college. He also says he expected that Vermont would quit their claim east of Connecticut river: agreeable to the resolution of Congress.³

408. JAMES MADISON TO EDMUND PENDLETON.¹

D'r 11th, 1781.

D'r Sir,

I am favored with yours of the 3d instant.²

On whichever side Mr. Deanes letters are viewed they present mysteries. Whether they be supposed genuine or spurious or a mixture of both, difficulties which cannot well be answered may be started. There are however passages in some of them which can scarcely be imputed to any other hand. But it is unnecessary to rely on these publications for the real character of the man. There is evidence of his obliquity which has for a considerable time been conclusive.³

Congress have not resumed their proceedings on the western business.⁴ They have agreed on a requisition on the States for 8,000,000 of Dollars and a completion of their lines according to the last establishment of the

² See nos. 405, 406, *ante*, 414, 416, 422, *post*; also the *Journals*, Dec. 12 (p. 1166 n.).

³ See the *Journals*, Dec. 14, 1781, Jan. 8, 1782.

[408] Library of Congress, Madison Papers; *Writings*, I. 166.

² Pendleton's letter of Dec. 3 is in Mass. Hist. Soc., *Proceedings*, second ser., XIX.

143.

³ See nos. 381, 384, *ante*, 430, 431, *post*. Pendleton had written concerning the Deane letters: "I have long given up Deane as an unworthy man whom I thought much otherwise when I served with him in Congress. I thought he was taking some steps injurious to America in an improper commerce, and thought avarice his greatest crime, not suspecting him of apostacy from our cause. There is one circumstance rather against the authenticity of these letters, that in case of a bargain with them they would not have exposed his letters. However, there is no reasoning from their blunders."

Arthur Lee wrote to Dr. William Shippen Nov. 24: "If my action against Deane is brought on now, I think a Jury will give me swinging damages. It will give me great pleasure to see Payne's observations on his Letters. Duane is in my opinion a greater and more dangerous villian than Deane. Time will shew him too in spite of all his cunning" (Haverford College, Roberts Coll., 747). See also Thomas Paine to Robert Morris, Nov. 28, in Wharton, *Rev. Dipl. Corr.*, V. 12.

⁴ Pendleton had remarked: "Of the territorial cession offered by Virginia I have perhaps already said too much and shall only add that if there were twenty claimers of my land, and each offered a cession of their title without any consideration I should think it common prudence to accept them all, and thereby avoid the disagreeable necessity of deciding which of them was entitled to a preference; nor can I conceive what harm the Virginia cession would have done the United States upon the supposition that New York had a better title." See nos. 381, 384, *ante*, no. 429, *post*.

army. We endeavored, tho' with very little effect to obtain deductions in the first article from the quota of Virginia but we did not oppose the aggregate of the demand in either. If we do not obtain a sufficiency of men and money from the States by regular and duly apportioned calls we know by experience that the burden of the war will fall on the resources of the States wch happen to be the subject of it.⁵ . . .

409. THE PRESIDENT OF CONGRESS TO THE SEVERAL STATES.¹

PHILADELPHIA, 12th Decr. 1781.

Circular.

Sir,

Altho' the present aspect of American Affairs is truly favorable, and opens to our view the brightest prospects of a glorious peace and the unmolested possession of the invaluable rights we have nobly dared to contend for, yet a relaxation in our exertions will not only be disgraceful, but may prove dangerous and even fatal to our Liberties. Congress, on their part, are determined to prevent both the one and the other, and accordingly have thought proper, by their Act of the 10th instant, a copy of which I have the honor of enclosing your Excellency, to call upon the Legislature of each State, in the most pressing manner, to compleat the Quota of Troops assigned to them. The same Act contains several other requisitions, and the whole of such evident magnitude and importance as render it unnecessary to urge any thing more upon the subject.²

I have the honor likewise of transmitting to your Excellency a copy of an Act of Congress of the 11th instant, recommending it to the Legislature of each State to ascertain, as soon as practicable, their number of white Inhabitants.

A foundation for equal Justice, on a very important occasion, being the object they have in view in requiring the above information, your Excellency and the Legislature of your State will, no doubt, concur with me in opinion, that the business should be accomplished with all possible accuracy and dispatch.

410. JAMES LOVELL TO SAMUEL ADAMS.¹

Decr. 13th 1781.

Sir,

. . . . I was perplexed in the Affair of Warren. Your Letter was much the Cause. I thought you had patronized the Presentment of the Accounts *here* upon grounds which had not allowed you to consider enough the implied Stigma upon the State of Massachusetts and the Intimates of our deceased Friend Genl. Warren. I find however such Proofs of the

⁵ Concerning the requisition on the states see the *Journals*, Oct. 30, Nov. 2, and nos. 376, 379, 382, 398, *ante*. With regard to the army see nos. 395, 403, 406, *ante*; also the *Journals*, Dec. 10, 17, and no. 409, *post*.

[409]¹ Md. Hist. Soc., Red Book, IX. 104; *Arch. of Md.*, XLVII. 572; N. J. State Lib.; *N. J. Rev. Corr.*, p. 296; Library of Congress, President's Letter-Book, p. 129.

² See also the letter to the states, in the *Journals*, Dec. 17.

[410]¹ N. Y. Pub. Lib., Samuel Adams Papers.

Discountenance which Doct'r Warren has met with that I think myself at Liberty to solicit for him *in this Quarter*. I cannot say much in Favor of yr. pressing Mr. Willson's Case forward as any Ways *singular*. He is but one of Thousands, and until the States really furnish Congress with Funds such Applications as his can only give Pain to the Delegates without procuring Relief for the Petitioners.² . . .

Alas! Alas! When I presented the instructions from the State respecting the Subject of the F—s [Fisheries] I thought very little or no objection would me [*sic*] made, but I was greatly mistaken. The Proceedings here of 1779 respecting that Business are made Airs of. But, I will be more particular in Cyphers in my next to you or to Secretary Avery.³

411. THE PRESIDENT OF CONGRESS TO NATHANAEL GREENE.¹

PHILADELPHIA 14th Dec. 1781.²

Sir,

I have the honor of inclosing you a copy of an Act of Congress of the 10th instant, calling upon the Legislature of each State, in the most pressing manner to cause the quota of troops assigned to them to be compleated and in the Field by an early day the ensuing Spring. The same Act contains several other salutary and necessary requisitions, by all of which you will readily observe the fixed determination of Congress to prevent, as far as their power extends, the danger and disgrace of a relaxation in our exertions at this favorable juncture of affairs. The prospect of establishing peace and independence, upon the sacred basis of equal liberty to all, is more bright at this time, than at any period during the War; and nothing seems to be more wanting to complete our work than a prudent and skilful management of the great and important advantages obtained by the late glorious events in Virginia and South Carolina.

Your favour of the 21st ult. was received yesterday and laid before Congress this morning. We flatter ourselves that your sensible and very spirited letter to General Gould³ will be productive of some good consequences; and are very happy to be informed of Leslie's arrival without Troops, as we had some apprehensions, in your present situation, from

² With regard to James Warren's account see vol. V., nos. 358, 586, and no. 9, note 3, *ante*. Following this passage is a long disquisition concerning Lovell's account as delegate to Congress.

³ The Massachusetts instructions (Oct. 27) appear to have been presented to Congress Nov. 17 (see the *Journals* under Nov. 16, p. 1122 n.). The committee to whom they were referred made a report Dec. 12, which was recommitted. The instructions are spread upon the *Journals*, Aug. 20, 1782, together with an extensive report thereon. See nos. 593, 597, *post*.

[411]¹ Library of Congress, President's Letter-Book, p. 131.

² The South Carolina delegates (Bee, Mathews, Middleton, and Motte) wrote to the secretary at war (Gen. Benjamin Lincoln) Dec. 14: "We request you will give a Discharge for Alexr. Robison now a prisoner in Lancaster Goal he being a Citizen of So. Carolina who took protection from the British and is now willing to comply with a late proclamation of the Governor of that State." At the foot of the letter is the following order: "You will cause Alexr. Robison to be set at liberty B. Lincoln, War Office 14 Decr. 1781 [Addressed] To the Officer Commanding at Lancaster." Library of Congress, South Carolina, Misc.

³ Maj.-Gen. Paston Gould of the British army.

a measure of that nature. We now most ardently wish for a Junction of Major General St. Clair with your little but glorious Army. Your's is the first official intelligence we have received of the evacuation of Wilmington.

412. THE PRESIDENT OF CONGRESS TO GEORGE WASHINGTON.¹

PHILADELPHIA [December] 17th, 1781.

Sir,

In answer to your favour of this day, I beg leave to inform your Excellency, that the Resolutions you allude to, were transmitted to Genl. Greene, by Express, on Saturday last; and that it is the desire and expectation of Congress that the Returns of the Troops composing the Southern Army should be called for by your Excellency, and forwarded to the Executives of the States to which they respectively belong.²

413. ABRAHAM CLARK TO THE SPEAKER OF THE NEW JERSEY ASSEMBLY
(JOHN MEHELM).¹

PHILADA. Decr. 17, 1781.

Sir,

Your favour of the 10th to me, and of the 15th to the Delegates enclosing your instructions were recd. yesterday by Mr. Covenhoven. The instructions were laid before Congress, and the matters therein urged are referred to a committe, and will be duly attended to.² . . .

414. SAMUEL LIVERMORE TO THE PRESIDENT OF NEW HAMPSHIRE
(MESHECH WEARE).¹

PHILADA. Decr. 18th, 1781.

Dear Sir,

I recd. yours of the 4th Instant with the papers inclosed which I this day laid before Congress (except those which contain the maneuvers of Vermont Assembly at Charlestown, which Congress were already possessed of). Congress appointed a Com'tee of five to take them into consideration and report. Every member of Congress but one appeared in our favour and against Vermont as far as I could judge. Nevertheless I do not pretend to predict the measures that will be taken. The labouring Oar I think is on Congress to support their own honour, dignity and authority: I wish to keep it so. I shall farther advise of what may turn up.²

[P. S.] . . .

[412]¹ Library of Congress, Washington Papers; *ibid.*, President's Letter-Book, p. 133.

² The resolutions referred to were those of Dec. 10, enclosed to General Greene Dec. 14.

[413]¹ N. J. State Lib.; Harvard Univ. Lib., Sparks MSS., XXXVI. 30; *N. J. Rev. Corr.*, p. 300.

² The letter to the New Jersey delegates was read in Congress Dec. 18 (see the *Journals*, p. 1179 n.) and referred to the committee (Daniel Carroll, chairman) appointed to confer with the commander-in-chief. (Clark's letter should probably bear the date Dec. 18.) The committee made a report Dec. 19.

[414]¹ Vt. Hist. Soc., *Collections*, II. 220; *N. H. State Papers*, X. 452.

² Weare's letter of Dec. 4 (with the date 1782, but queried) is in *N. H. State Papers*, X. 468. See the *Journals*, Dec. 12 (p. 1166 n.) and 18 (p. 1179 n.), also nos. 416, 424, *post*.

415. THE VIRGINIA DELEGATES TO THE GOVERNOR OF VIRGINIA
(BENJAMIN HARRISON).¹

PHILADELPHIA, Dec. 18th, 1781.

Sir,

At the request of Baron Steuben, a letter from him to your Excellency is herewith inclosed.

The paper from the Secretary of War to Congress also inclosed is an answer to the two Resolutions of the General Assembly transmitted to us by your Excellency which were referred by Congress to the Departments of war and finance.²

A Representation to the States on the subject of the late requisitions for the ensuing year agreed to yesterday in Congress is likewise herewith transmitted. It could not be authenticated for the reason applied in our last to the Resolutions relating to the completion of the Military Establishment. As soon as it has passed the last formality in Congress it will be transmitted by the President.

We have thought proper to add to the other inclosures a table for the payment of loans to the U. S. computed under the direction of the late Treasury Board in pursuance of the Act of Congress of the 28th of June 1780 on that subject. It will probably be of service in fixing the value of the depreciated currency advanced at different periods by Virginia to the U. States.

The letter to Mr. Ross relates to sundry Slaves the property of some Gentlemen of the State of S. Carolina the meritorious sufferings of whom will sufficiently recommend what concerns their interests to your excellency's care and attention.

P. S. We are obliged by the arrival of the hour for the post to omit the representation which we expected wd. have been ready for us.

416. THE RHODE ISLAND DELEGATES TO THE GOVERNOR OF
RHODE ISLAND (WILLIAM GREENE).¹

PHILADELPHIA Decem'r 18th, 1781.

Sir,

We do our selves the honor to inform your Excellency, that since our last, Congress has received a letter from the Governor of the State of Vermont; Inclosing a number of resolves, of a grand committee, of both houses of assembly, and Acts or Laws of said State; ² . . .

[415]¹ Hist. Soc. of Pa., Dreer Coll., M. O. C. (signed by Madison, Randolph, and Jones).

² The Virginia resolutions were referred, Dec. 11, to the secretary at war and the superintendent of finance (*Journals*, p. 1165 n.), and the former made a report, Dec. 12, of the conference between the two (*ibid.*, p. 1166 n.). Governor Harrison's letter to the delegates, Dec. 1, is in *Official Letters*, III. 103.

[416]¹ R. I. Arch., Letters to the Governors, 1781-1782, p. 64 (signed by Ellery and Cornell); Staples, *R. I. in Cont. Cong.*, p. 361.

² See no. 414, *ante*. The letter from Thomas Chittenden, governor of Vermont, dated Nov. 20, was read in Congress Dec. 12 (see the *Journals*, p. 1166 n.). A copy of the letter is in Conn. Hist. Soc., Wolcott Papers, III. 24. The Rhode Island delegates summarize the contents.

The Superintendent of Finance has presented to Congress an Ordinance for adjusting and settling the Accounts of the United States with each Individual state etc. It has been read, and is committed to a special committee. they now have it under consideration. We shall only mention some of the principal paragraphs. . . .

We flatter our selves you will excuse us for not being more perticular on this Subject. The ordinance has not passed, and probably will under go some Alterations. We only wish to inform you of what is doing.³

417. OLIVER WOLCOTT TO THE GOVERNOR OF CONNECTICUT
(JONATHAN TRUMBULL).¹

Private
Sir,

PHILADELPHIA, 19 Decr., 1781.

Your Excellency will soon receive the requisition of Congress upon the State to compleat their battalions agreeably to the last military establish't, and also that the recruits be mustered in one or more places in the State, and supported by it in their march to the army. The address to the Legislatures pointing out the necessity of complying with the pecuniary and military aid required, will also be received.²

The Superintendant of Finance is endeavouring to contract for supplies for the stationary troops. I hear that he has contracted for supplies for the garrison at West Point that they shall be furnished at 9½ *d.* for each ration in Pennsylvania money. He also intends as farr as possible to obviate the necessity of maintaining issuing posts.

The mode for settling State accounts is not yet determined upon, it is under the consideration of a Committee.³

An Act ascertaining consular powers is nearly finished, but can have no operation till it shall be agreed to by France.⁴

A plan for reducing a number of officers, or rather putting them upon half pay, who are considered as supernumerary, especially the general staff, is in contemplation, and will probably take effect.⁵ . . .

P. S. I have sent to your Excellency a stating of claims of the Indiana company, which may not only be a subject of amusement, but afford some useful information, if the Susquehannah cause shall be brought to a tryal.

³ The matter came up through a memorial of the state of New Jersey, referred, Nov. 23, to the superintendent of finance. A report from the superintendent, dated Dec. 10, was referred to a committee Dec. 11, and on Jan. 9, 1782, the committee brought in an ordinance for the settlement of public accounts. Under that date in the *Journals* will be found both the report of the committee and Morris's report of Dec. 10. The ordinance was under consideration Jan. 11 and 16 and was referred to a grand committee, which made a report Feb. 7. A plan was adopted Feb. 20. See no. 417, *post*.

[417]¹ Mass. Hist. Soc., *Collections*, seventh ser., III. 304.

² The circular letter of Dec. 17 (in the *Journals*).

³ See no. 416, *ante*, no. 423, *post*.

⁴ See the *Journals*, July 27, 28, Aug. 9, 23, 28, 31, Oct. 15, 1781; Jan. 9, 22, 25, 1782.

⁵ See the report of the board of war, Nov. 16, in the *Journals*, Nov. 20; *cf. ibid.*, Dec. 19, 31.

418. GEORGE PARTRIDGE TO ELBRIDGE GERRY.¹

PHILADELPHIA Decr. 22d 1781.

Dear Sir,

I understood, by a Gentleman who arrived here from Boston some months ago, that it was your Design to be at Phila. this Winter, and I hoped, for several reasons that it would be the case; but the season for Journeying being over, I expect you will defer the matter till spring, when I may chance to see you at Boston before you set off, as I intend to be there by the first of April.

The States have been very thinly represented during the Summer and fall tho' enough have been here to do some things which I believe you will judge not very honorable or advantageous to the U. S. and here I should be glad to be particular if the conveyance of Letters was not so very precarious. whither Mr. A will take a part in the Commission I am not informed but fear he will not, as he is not very fond of *leading strings*. a Letter lately receivd from Mr. J gives us his Sentiments on the Subject which appear to me rational and independant. I presume that you have seen Genl. Ward since he returned, and must know what I allude to.

Every thing which relates to the old money lies dormant. the Superintendent (on whom much depends in this case) says that he shall insist on the plan of the 18th march, and when the several States have sunk their Quotas of the old money nominally, he shall promote a plan for doing Justice to those States who were early in doing their duty. And tho' I think him to be honest in his intentions, yet it appears to me very uncertain whither he will Affect his purposes.

You have doubtless been informed that Genl. Lincoln has accepted the Office of Secretary at War. Congress passed a Resolution yesterday which put a piece of Business into his hands that will not, I believe, be very agreeable to him. The purport of the Resolution is that the Commander in Chief shall signify to the Secretary at War from time to time the number of Genl. officers which he Judges necessary to be in and take the field, and the Secretary shall issue his orders to such as he thinks proper, the remainder to be considered as retiring on half pay, Subject however to be called into service when occasion requires. how this measure will suit the Genl. Officers is uncertain, tho' I am told there will be no great difficulty about the matter.

I wish you would be so kind as to inform me when you expect to be here, and whether Mr. Adams or either of our Brethren is coming on soon.²

I am Sir with great esteem your most obedt. Hum. Servt.

GEO. PARTRIDGE.

P. S. be so good as to make my best Comp'ts to your Brethren and my friend Colo. Orne and family.

[418]¹ N. Y. Pub. Lib., Townsend-Gerry Papers, from the collection of Mrs. Annette Townsend Phillips, a descendant of Elbridge Gerry.

² Meanwhile Samuel Osgood, then in attendance, was finding it difficult to maintain himself for lack of funds. In a letter to Henry Gardner Jan. 30 he mentioned drawing certain drafts to meet his needs, then added, "All I wish for whilst here is a decent Support" (Mass. Arch., CCIV. 27). Cf. no. 534, *post*.

419. SAMUEL LIVERMORE TO THE PRESIDENT OF NEW HAMPSHIRE
(MESHECH WEARE).¹

PHILADA. Decr. 25, 1781.

Dear Sir,

Whishing you a merry Christmass etc. etc.

These are to acknowledge receipt of your favour of the 10th instant with the papers enclosed. I shall lay them before Congress: And inform you of the success they meet with.² If nothing extraordinary should happen to prevent I intend to set out for home three weeks from this day.

420. OLIVER WOLCOTT TO ANDREW ADAMS.¹

PHILADELPHIA 2 Jan'y 1782.

Sir,

I have been favoured with your Letter of the 22d Novr. and 10 Decr. which I am happy to Acknowledge. I suppose that you have recd. one from me since I left Home.

I can say no more with Regard to the Letters of Mr. Deane, which you desire to be informed of than that they are here generally beleived to be genuine.²

As to the Matter of Impost, which you also mention; I think that a National Revenue is Necessary, my Reasons for the opinion in Regard to the Impost are given in the Report of a Committee which I suppose will be considered the next Session of Assembly. That any Money granted may be misapplied is most certain, And if this Principle ought to govern no money ought ever to be granted for any publick use. At present so farr as I can judge there is a great Reduction of expence, by the Conduct of the Superintendant of Finance, in the Expediture of such money as he is possessed of. The single Article of furnishing the Stationary Troops by Contract, has reduced the Expence of Rations doub[t]less one half.

The Acts of Congress reducing the Number of the General Staff, except what are Necessary for Actual Service, and reducing all officers commanding several Cores not in the Line of any State, while it releives them from a Circumstance which can afford no Pleasure, in holding an

[419]¹ Hist. Soc. of Pa., Etting Coll., VI. 68.

² A letter from President Weare to Livermore Dec. 10 is in *N. H. State Papers*, X. 470; a letter of the same date to the President of Congress, with regard to representation (*ibid.*, X. 574), was laid before Congress probably Dec. 26 (see the *Journals*, p. 1184 n.).

Madison, in a letter to Pendleton Dec. 25 (*Writings*, I. 166), remarks: "It gives me great pleasure to hear of the honorable acquittal of Mr. Jefferson. I know his abilities, and I think I know his fidelity and zeal for his Country so well, that I am persuaded it was a just one. We are impatient to know whether he will undertake the new service to which he is called." See Pendleton to Madison Dec. 31, Mass. Hist. Soc., *Proceedings*, second ser., XIX. 144. Although Jefferson had declined the peace mission, Madison had nevertheless endeavored to persuade him to reconsider his decision and accept. See nos. 263, 301, *ante*.

[420]¹ Library of Congress, Stauffer-Morgan Collection of Signers of the Declaration of Independence.

² See no. 381, *ante*, no. 430, *post*.

Office, not accompanied with any proper Command, in which they must find that there Services are not wanted, will make a considerable saving of Expense.³

Congress have incorporated the Society for establishing a Bank. Their first Subscription for it is already compleated. Much utility I hope will be derived from it, But without a Revenue such immediate advantages to the Publick cannot be obtained from it as might otherwise be expected. But the Principles upon which Banks are established is so little understood that I suppose many will object against it.⁴

We have no News from Genl. Greene so late as that published under the N London Head. We may dayly expect to hear from him.

I am very sorry that Vermont has not complied with the Proposal of Congress. N York and N Hamshire are remonstrating against them. There recent Claims are I beleive universally rebrobated [*sic*] and their persisting to make them will probably involve them in much Dificulty.⁵

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421. THE RHODE ISLAND DELEGATES TO THE GOVERNOR OF RHODE ISLAND (WILLIAM GREENE).¹

PHILADELPHIA Jany. 7th, 1782.

Sir,

We have been honored with your Excellencys letters of the 18th and 22nd Ulto. Previous to the receipt of your letter of the 22nd we had received a letter from his honor the Deputy Governor, inclosing the Resolution of the General Assembly, directing us to confer with the Superintendant of Finance, on the Subject matters therein contained. That no time might be lost, we communicated the contents to the Financier. "He observed that he was sensible of the force of the arguments contained in the Resolution: but he thought too much was asked for. That whatever he did in this case must be general to all the states, and that it was his wish, to give them every assistance that was necessary, to enable them to comply with the Requisitions of Congress, and that nothing that he could do for that purpose, consistant with the duties of his Office should be wanting. He was too much ingaged to take up the business, so as to enable us to forward an answer by this Post, but promised that as soon as he could attend he would give us notice."²

We are fully impressed with the force of your arguments, respecting the inability of the Inhabitants of the State, to pay their quota of the Tax in specie, that is required by Congress for the present year, and shall enforce them at the conference with the Superintendant, and you may

³ See the *Journals*, Dec. 31, 1781, and no. 417, *ante*.

⁴ See the *Journals*, Dec. 31, 1781.

⁵ See no. 414, *ante*, no. 424, *post*.

[421]¹ R. I. Archives, Letters to the Governor, 1781-1782 (signed by Ellery and Cornell).

² Although this passage appears in quotation marks in the original, it is not to be understood as a direct quotation.

be asured that nothing that is in [our] power will be omitted, that shall appear necessary to obtain the request of the Hon'le the General Assembly. As soon as the business is finished we will give you the earliest information.

422. WILLIAM FLOYD TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

PHILADELPHIA Jany 7th, 1782.

Dear Sir,

Your Excellencys Letter with the papers therewith Inclosed Respe[c]ting the Conduct of the people on the Grants, I laid before Congress, who Referred them to a Committee; and that Committee have this Day Reported; A Copy of which Report is herewith Inclosed. Next Thursday is Assigned for taking it up, And I am Sorry to Say, that there appears in Congress (however unjust with Respect to our State, or however Impolitick it may be With Respect to the United States) too Great a Majority in favour of it, But as it is one of those matters which Requires the Consent of Nine States before it Can pass, I think they will not be able to Carry it this time, And Altho' I may prevent this passing, yet I am very doubtful whether I shall be able to procure from Congress any thing that will be of much use to us, But I Shall do my Endeavour and I have the Assistance of Some able friends who are heartily Interested in this Business.

Whatever Congress may Determine on with Respect to this or any other Matter that Relates particularly to our State I Shall Give you the Earliest Information.²

423. OLIVER WOLCOTT TO THE GOVERNOR OF CONNECTICUT
(JONATHAN TRUMBULL).¹

Private.

PHILADELPHIA, 8th Jan'yry, 1782.

Sir,

The most important matters which have passed in Congress since my last letter to your Excellency, of the 19th ultimo, has been an ordinance incorporating the Society for establishing a National Bank. This had been some time ago promised them, and as their first subscription was compleated, it was tho't proper to comply with their application.² . . .

A stop for the present is put to any exchange of prisoners. The enemy have made it a preliminary that Ld. Cornwallis (who it is supposed has gone for England) shall in the first instance be exchanged. This has not been agreed to, as an exchange might otherwise have been properly made. What has induced S'r Harry Clinton to make this an absolute condition

[422]¹ N. Y. State Lib., Clinton Papers, no. 4276.

² Clinton wrote two letters to the delegates Dec. 24, one to be read in Congress, the other confidential (*Clinton Papers*, VII. 623, 624). The first was read in Congress Dec. 31, or thereabouts (see the *Journals*, p. 1190 n.), but the *Journals* do not record its reference to a committee, or that committee's report Jan. 7. See however the *Journals*, Jan. 25, 28, and nos. 424, 427, 428, 434, *post*; see also nos. 405, 414, 416, *ante*.

[423]¹ Mass. Hist. Soc., *Collections*, seventh ser., III. 307.

² See the *Journals*, Dec. 31, 1781.

is a matter of conjecture only. Our people in captivity at the southward will suffer most by this delay, but the sanguinary conduct of Ld. Cornwallis in those countries induced the gentlemen belonging there not to desire the exchange of their people upon such terms. Perhaps if his Lordship could be considered as divested of a disposition to commit the most wanton cruelty, no solid objection could lye against his exchange, on account of his military abilities.³ . . .

P. S. The Superintendent of the Finances has reported a plan for the liquidating of the accounts of the States with the U. States, and proposed a mode by a special convention of the several States, by special appointment of members by their legislatures, to ascertain the ratio of each State of the unfunded debt—the accounts due from the U. States to each, to be liquidated by a commissioner sent to each State to be approved by the State to whom sent. This report will probably be considered in a few days.⁴

The affairs of Vermont have called the attention of Congress. Nothing yet has been done in this affair. Perhaps the former Act of Congress admitting them by implication as an independent State will be recognized and made explicit, and a time limited for their compliance, which if not agreed to by them effectually steps may be taken to give peace to the northern frontiers.⁵

424. SAMUEL LIVERMORE TO THE PRESIDENT OF NEW HAMPSHIRE
(MESHECH WEARE).¹

PHILADELPHIA, Jany. 8th 1782.

Dear Sir,

Nothing material has occurred since my last. Congress are come to no determination concerning Vermont. They are much divided in opinion about the Steps that ought to be taken. However the Committee on that subject have at last reported. The substance of the report is adapted to carry into execution the Resolution of the 20th of August last; by giving Vermont an opportunity to revise their doings in Octo and renouncing their late acquired jurisdiction on the east of the river, etc. 'Tis proposed to send a commissioner from Congress to treat with them and to explain matters: ² . . .

³ See nos. 365, 402, *ante*, the *Journals*, Feb. 18, 23, and Washington to the President of Congress Feb. 18, 20 (*Writings*, ed. Ford, IX. 443, 449, ed. Sparks, VIII. 239, 243), Charles Cotesworth Pinckney, one of the prisoners taken at Charleston and then in Philadelphia on parole, wrote to the South Carolina delegates Jan. 5 with regard to the action of Congress as it affected his own exchange and complaining of the "obscure manner of keeping your Journals" (*S. C. Hist. and Geneal. Mag.*, XXVII. 55). On Sept. 5, 1781, Pinckney had complained of a proposed exchange, "immediately and out of his turn", of a younger colonel than himself. See the *Journals*, Sept. 5, 24, 1781.

⁴ See nos. 416, 417, *ante*, also the *Journals*, Jan. 9 (including the note at pp. 14-17), 11, 16, Feb. 7, 20. The plan had its origin in the reference, Nov. 23, of a memorial of the state of New Jersey to the superintendent of finance. Cf. nos. 430, 438 (note 3), *post*.

⁵ See no. 422, *ante*, no. 430, *post*.

[424]¹ *N. H. State Papers*, X. 478.

² See no. 422, note 2, *ante*. Livermore wrote briefly to Weare Jan. 1 to say: "Nothing material has turned up here since my last. . . . The Vermonsters are very

425. THE VIRGINIA DELEGATES TO THE GOVERNOR OF VIRGINIA
(BENJAMIN HARRISON).¹

PHILADELPHIA Jany. 8, 1782.

Sir,

Your excellency's favor of the 28th Ult. not having acknowledged the receipt of our dispatches by Capt. Irish, we shall repeat them, unless the next post should announce his arrival.²

We cannot but lament the distressing and degrading situation, in which we are placed, from the scantiness and uncertainty of our supplies, in which our own private credit can avail us nothing, and prices are immoderate and ruinous. We beg the attention of the executive to this point, important to ourselves, and perhaps important to our country.³ . . .

Being disposed to advance, on every proper occasion, the views of our ally, and to demonstrate to Great Britain, how practicable it is to renounce her manufactures and produce, we rendered every aid in our power to the resolution, which the president has sent on, recommending more effectual provision against the introduction of British merchandizes. As these considerations were the grounds of the resolution, we cannot doubt, that our legislature will execute the recommendation. It will be remembered, that the late ordinance, respecting captures, which has been forwarded to the judges of the court of admiralty thro' your excellency, relates to this species of commodities, when found on water only.⁴

The Superintendent of finance is instructed to transmit to the several states copies of the act, incorporating the national bank. He probably will be explicit on the benefits to be expected from such an institution. To him we shall consign this part of the subject.

But some scruples having been entertained as to the authority of congress to grant a charter of incorporation, we cannot forbear to mention the predicament, in which this body stood.

When the establishment of a bank was proposed to congress on the 26th day of May last, its utility was immediately seen. They accordingly approved the plan, and promised to support it in the most effectual manner. Among other things, they stipulated to pass an act of incorporation; altho' objections were suggested against such an engagement. After a vote to this effect, subscriptions were made upon the expectation of a charter from congress, the president and directors chosen, and we were required

turbulent about Hudson's River and a strong suspicion of their being in League with the British—you will hear more in my next, if bro't to any head in Congress" (Vt. Hist. Soc., *Collections*, II. 227; *N. H. State Papers*, X. 461). Weare's reply Jan. 29 to the letters of Jan. 1 and 8 is *ibid.*, X. 479.

[425]¹ Va. State Lib., Executive Papers (signed by Randolph, Madison, and Jones); *Cal. Va. State Papers*, III. 11.

² Governor Harrison's letter of Dec. 28 is not found in *Official Letters*, III. In a letter to the delegates Jan. 11 (*ibid.*, p. 126) Governor Harrison acknowledged receipt of the delegates' letter of Jan. 1 (*Cal. Va. State Papers*, III. 1) and remarked, "the packet by Captain Irish did not get to hand time enough for the Assembly which rose on the fifth". See no. 429, *post*.

³ The omitted passage remarks upon the memorial of Daniel Murray which is enclosed (*Cal. Va. State Papers*, II. 675, dated Dec. 29, 1781).

⁴ See the *Journals*, Jan. 2, and no. 426, note 4, *post*.

to fulfill our contract. The same doubts upon congressional power were again urged; but nothing decisive was done, until a committee, appointed to confer with the bank, reported the result of the conference. They informed congress, that they had communicated to the bank the difficulties, which occurred in granting a charter; but that they were answered, that the promise of a preceding congress was binding on a subsequent one; that the subscribers would be free to withdraw their subscriptions, unless a charter should pass from congress, and that tedious and expensive arrangements had been made for commencing the operations of the bank. The financier added, that a delay in these operations would injure him in his attempt towards a payment to the army. Pressed as they were by these representations, congress did incorporate the bank; some of those, who voted in the affirmative thinking themselves obliged by the engagement in may, others contending for a constitutional power in these cases, and others assenting to it from absolute necessity. The resolution subjoined to the act will therefore, we hope, be complied with by the several legislatures.⁵

426. JAMES MADISON TO EDMUND PENDLETON.¹

PHILADA. Jany. 8th, 1782.

Dear Sir,

I have before me your favor of the 31st ulto. I regret much the refusal of Mr. J. to become a member of the Virga. delegation, not only as it deprives his country of that particular service, but as I fear it proceeds from a fixed disinclination to all public employments.²

Yesterday was opened, for the first time, the bank instituted under the auspices of Congress. Its principal founder is Mr. R. M. who has certain prerogatives with respect to it in his quality of superintendant of finance. It is pretty analogous in its principles to the bank of England. The stock subscribed is 400,000 dollars. When the scheme was originally proposed to Congress for their approbation and patronage, a promise was given that as soon as it was ripe for operation the company s'd be incorporated. A few days ago the fulfilment of the promise was claimed. The competency of Congress to such an act had been called in question in the first instance, but the subject not lying in so near and distinct a view, the objections did not prevail. On the last occasion, the general opinion though with some exceptions was that the Confederation gave no such power and that the exercise of it would not bear the test of a forensic disquisition and consequently would not avail the Institution. The bank however, supposing that such a sanction from Congress wd at least give it a dignity and preeminence in the public opinion, urged the engagement of Congress; that on this engagement the subscriptions had been made; and that a disappointment would leave the subscribers free to withdraw their names.

⁵ See no. 426, *post*.

[426]¹ Library of Congress, Madison Papers, Ac. 1081; *Writings*, I. 167; *Papers*, I. 104.

² In his letter of Dec. 31 (Mass. Hist. Soc., *Proceedings*, second ser., XIX. 144) Pendleton says, "Mr. Jefferson, I am told, declines coming to Congress, nor do I learn that they purpose choosing another in his room".

These considerations were reinforced by the Superintendent of finance, who relied on this institution as a great auxiliary to his department, and in particular expected aid from it in a payment he is exerting himself to make to the army. The immediate interposition of Congress was rendered the more essential too by the sudden adjournment of the Assembly of this State, to whom the bank might have been referred for the desired incorporation, which it was the opinion of many would have given them a sufficient legal existence in every State. You will conceive the dilemma in which these circumstances placed the members who felt on one side the importance of the institution, and on the other a want of power and an aversion to assume it. Some thing like a middle way finally produced an acquiescing rather than an affirmative vote. A charter of incorporation was granted, with a recommendation to the States to give it all the necessary validity within their respective jurisdictions. As this is a tacit admission of a defect of power I hope it will be an antidote against the poisonous tendency of precedents of usurpation.³

In the ordinance lately passed for regulating captures which I presume you have seen, a clause was inserted exposing to capture all merchandizes produced in G. B. if coming into these States, and within three leagues of the coast, although the property of a neutral nation. Congress have now recommended to the States to subject them to seizure during the war, if found on land within their respective limits. These measures had become necessary to check an evil which was every day increasing, and which both enabled and encouraged G. Britain to persevere in the war, at the same time that it mortified our ally with daily seeing the fruits of his generosity to us remitted in payment to the rival of his nation and the enemy of both.⁴

³ The plan of a national bank, proposed by the superintendent of finance in a letter of May 17, 1781, was read in Congress May 21 and approved May 26. The plan as outlined by Morris is found in a foot-note to the *Journals* under the latter date. The ordinance incorporating the bank was adopted Dec. 31. Under this date in the *Journals* may also be found a preamble to the ordinance which appears to have been proposed by Edmund Randolph, setting forth more unreservedly than is the case in the preamble actually adopted the considerations actuating Congress in adopting the bank. Morris's plan, together with some observations upon it, is also found in Wharton, *Rev. Dipl. Corr.*, IV. 565. See also sundry letters of Morris, *ibid.*, IV. 421, 439, 494, 513, 562, 568, 574, 578, 581, V. 94. An extract from his Diary relative to the opening of the bank is *ibid.*, V. 85. Cf. no. 425, *ante*, no. 447, *post*.

⁴ An ordinance respecting captures on water was adopted Dec. 4, 1781, an amending ordinance Jan. 8, 1782, and a further amending ordinance Feb. 26. For proceedings on the original ordinance see the *Journals*, July 18, Aug. 14, 28, 30, Sept. 13, 14, 17, 21, Nov. 8, 13, 26, 30, Dec. 4, 1781. For proceedings on the amending ordinances see the *Journals*, Jan. 2, 3, 7, 8, Feb. 25, 26, 1782. On Dec. 15, 1781 (*Journals*, p. 1172 n.), a motion on the subject by Richard Law was referred to a committee, and this committee made a report Jan. 2, although in recording the presentation of this report the *Journals* refer to the motion as made by "Mr. J[oseph] Jones". The amendment of Feb. 26, reported by a committee Feb. 25, appears to have had its origin in a memorial of merchants and traders of Philadelphia presented Feb. 12 (see the *Journals*, p. 73 n.).

In his reply to this letter, Jan. 28 (Mass. Hist. Soc., *Proceedings*, second ser., XIX. 145), Pendleton discussed at some length the questions pertaining to the bank (see no. 447, *post*), and, touching this latter topic in Madison's letter, remarked: "I hope the states will comply with the recommendation respecting the forfeiture of British goods, since 'tis a most ungrateful and impolitic abuse of the kindness of our allies to throw the money they so generously supply us with, into the hands of their and our enemy, to the neglect of their

427. BENJAMIN HAWKINS TO ABNER NASH.¹

Dear Sir,

. . . . The amazing efforts of the British last campaign, and the events therefrom, are strong and evident proofs that she cannot prosecute the war with any possible prospect of success. The fleets of . . . [illegible] are Superior and consequently any distant operations must be very uncertain and destructive. . . .

The People of Vermont are like to be troublesome to us. they would not accede to the propositions made to them in August last, but continued to encroach on the Territory of New York and New Hampshire. the consequences were that the citizens of these States armed immediately, and they were like to have had an action, which was in some measure prevented by some of our generals.

Congress have been rather in attentive to the repeated remonstrances of New York and New Hampshire, and some interested members thereof are said to have encouraged the people of Vermont in persevering, in the support of their Claims. We now have this business before us and I fear we have too few States in Congress to bring it to a speedy determination.²

. . . .

PHILADELPHIA, January 9th, 1782.

428. WILLIAM FLOYD TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

PHILADELPHIA Jan: 15th, 1782.

Sir,

The Report, a Copy of which I transmitted to your Excellency has been largely debated But it was not brought to a Question. I do Expect it will be Resumed again this Day, and unless there Comes in Some other members, that were not present when it was last under Consideration (which I fear may happen) I think they will not be able to Carry it, tho' I am Clear that there is a Great Majority in Congress for that Report, or Something that is Similar. the Conduct of those people, Connecting themselves With the Enemy in Canada, does not appear to affect those who are for Supporting them in their Revolt. they Endeavour to make light of it as a matter of no Consequence and act accordingly. I Shall take the first opportunity to Advise your Excellency of what Ever Congress may Determine on the Subject,²

P. S. I am amazed that Genl. Scott does not come on.

trade. Wisely and prophetically did honest General Gadsden say to Congress in 1774, 'Take care or your liberties will be traded away'.

For some account of the development of the Court of Appeals, with which the proceedings respecting captures on water were intimately associated, see vol. V., no. 33, note 2, and no. 456, *post*.

[427]¹ N. C. Hist. Comm.; N. C. State Recs., XVI. 478.

² See nos. 422, 424, *ante*.

[428]¹ N. Y. State Lib., Clinton Papers, no. 4290.

² There is no record in the *Journals* of a debate on the Vermont question prior to Jan. 25. See nos. 422, *ante*, 431, 434, 436, *post*.

429. JAMES MADISON TO THOMAS JEFFERSON.¹

PHILADA., Jan. 15th, 1782.

Dear Sir,

. . . . The late proceedings within the walls of Congress in consequence of the territorial cessions produced by their recommendations to the States claiming the Western Country were many weeks ago transmitted for the Legislature by a Capt. Irish. By the same conveyance I wrote to you on the subject. We have the mortification to find by our latest letters from Richmond that this gentleman had not at the date of them appeared there.² As it is uncertain whether that information may not have totally miscarried it will be proper to repeat to you that the States besides Virga. from which the cessions came were Connecticut and N. York. The cession of the former consisted of all her claim west of N. York as far as the Mississippi. That of the latter of all her claims beyond a certain western limit drawn on the occasion. The cession of Con't extended to the soil only expressly reserving the jurisdiction. That of N. Y. made no reservation. These cessions with that of Virga. and sundry memorials from the Ind'a and other land companies were referred to a committee composed of a Member from N. H. R. I. N. J. Pa. and Maryld. The ingredients of this composition prepared us for the complexion of their proceedings. Their first step was to investigate and discuss the respective titles of the States to the territory ceded. As this was directly in the face of the recommendation of Congress which professed to bury all such discussions and might prejudice future controversies between individual members of the Union, we refused to exhibit any evidence in favor of the title of Va. and endeavoured though in vain to prevail on Congress to interdict the Committee from proceeding in the inquiry. The next step of the Committee was still more obnoxious. They went fully into a hearing of the memorialists through their Agent; and received all the evidence adduced in support of their pretensions. On this occasion we renewed our remonstrances to the Committee and our complaints to Congress, but with as little effect as on the first occasion. The Upshot of the whole was a report to Congress rejecting the Cessions of Con't and Virga. and accepting that of N. Y.; disallowing also the claims of the Companies N. W. of the Ohio but justifying that of the Ind'a Comp'y. The report seems to distrust the doctrine hitherto maintained, of territorial rights being incident to the U. S. Collectively which are not comprehended within any individual States; substituting the expedient of

Floyd had doubtless received before this time Clinton's letter of Dec. 8 transmitting resolutions of the New York legislature relative to Colonel Van Schaick (*Clinton Papers*, VII. 567), for those resolutions were laid before Congress Jan. 10 (*Journals*, p. 34 n.). See no. 304, *ante*, nos. 434, 457, 470, *post*.

[429]¹ Library of Congress, Madison Papers, Ac. 1081; *Writings*, I. 170; *Papers*, I. 106.

² See nos. 384, 387, *ante*. In a letter of Jan. 15 (*Cal. Va. State Papers*, III. 20) the delegates state that, having heard nothing of the arrival of Captain Irish with the despatches, they will repeat them in the mail of the following week. "We have reason to believe", they remark, "that his delay on the road has been occasioned by sickness." Harrison's letter of Jan. 11 (*Official Letters*, III. 126) indicates that the despatches had been received. See also his letters of Feb. 2 and 9 (*ibid.*, pp. 142, 147).

recognizing the title of N. Y. stretching it over the whole country claimed by the other ceding States, and then accepting a transfer of it to the U. S. In this state the business now rests, the report having never been taken into consideration nor do we wish it should, till it shall have undergone the consideration of Virga.³

430. THE CONNECTICUT DELEGATES TO THE GOVERNOR OF CONNECTICUT
(JONATHAN TRUMBULL).¹

PHILADELPA, 21st Jan'y, 1782.

Sir,

We have been honoured with your Excellency's letter of the first instant,² and would observe with regard to the mode of settling the publick accounts, that the subject upon a report has been recommitted, and which has not yet been again reported upon. One great difficulty which attends this business is, by what rate the certificates given for the old money shall be ascertained. A uniform rule to operate thro the States, when it is well known that the exchange has been so extremely different, would be apparently unjust, and wheither the schales adopted by the particular States, in case they have been extended to the termination of the old currency, would in all cases be an equitable one, is not altogether clear. But we apprehend that, when the principles upon which the accounts of the several States against the United States shall be ascertained, one or more commissioners will be appointed for each State to liquidate those accounts. This measure not only appears to us to be the most proper one, but, so farr as we can judge by the observations made upon this subject, will probably be the opinion of Congress. Another matter has been referred to the same Committee, to adopt a mode by which the unfunded debts of the United States shall be apportioned out to the several States. By the funded debt is meant all foreign debts, loan office certificates, and debts liquidated and entered on the books of the Treasurer. Wheither this last measure will be agreed to is uncertain, perhaps it will be tho't that the relative value of the States, being so very precarious by the operations of the war, it would be too early a period to ascertain the respective quotas.³

We also judge it proper to observe to your Excellency, that Mr. Robert Morrice, having a few days ago recd. a letter from Mr. Silas Deane, acknowledging that he had wrote him a letter of the 10th of June last, which has been printed, wherein Mr. Deane said. . . . The day after this Mr. Morrice sent two letters of Mr. Deane's to Congress, the one directed to his brother Barnabas, the other to Mr. Thomas Mumford; these letters Mr. Morrice recd. of a person who took them of Mr. Deane

³ Madison further comments on "the industry and perseverance with which the territorial rights of Virginia are persecuted". The question of the cessions was taken up again in Congress Apr. 16. See the *Journals*, Apr. 16, 18, May 1, 6, and no. 480, *post*.

[430]¹ Mass. Hist. Soc., *Collections*, III. 309 (signed by Wolcott and Law).

² Governor Trumbull's letter is in Conn. Hist. Soc., Wolcott Papers, III. 126.

³ The plan of settlement was adopted Feb. 20. See no. 423, *ante*, nos. 438 (note 3), 446, 465, *post*. The omitted passage relates to a conference with the superintendent of finance on the subject.

in France, with a very particular charge to destroy them in case he should find himself in danger of being taken by the enemy. But upon his arrival, finding that Mr. Deane's political character lay under a criminal imputation, he judged it proper to deliver them to Mr. Morrice. Congress directed the President to break the seals and if upon inspection the letters were of a private nature to send them forward, otherwise to communicate them. The letters were communicated and thereupon were ordered to be retained by the Secretary of Foreign Affairs, and such communications made of them as might most effectually obviate the mischief which it was supposed Mr. Deane might be inclined to do the United States. Upon this measure's being agreed to, and which we think was a proper one, we supported a motion that the Secretary of Foreign Affairs should be directed to send copies of those letters with the proofs of their authenticity to your Excellency. Our view in this was that as there was not only matters in those letters which respected the particular interests of the gentlemen to whom they were directed, and who ought therefore to be acquainted with them, but also as Mr. Deane belonged to the State and had fallen under suspicions of a most criminal nature, it was proper that the State should be able to judge of the evidence to justify an imputation of this kind. We shall observe nothing more upon this disagreeable subject than that the determinations of Congress in regard to those letters were made without either passion or any dissension.⁴

We think it not improper to mention to your Excellency an affair which, altho it does not immediately respect the State, yet as some seasonable advice to the people of Vermont to attend to a conduct consistent with their own welfare and the publick peace, instead of pursuing measures which immediately lead to the disturbance of both, might have a happy effect, we beg leave to observe that the non compliance of these people with the Act of Congress eventually acknowledging them as an independent State, was as unexpected to Congress as the reasons which they gave for their refusal was unsatisfactory. These people consider themselves under an obligation, as they say, to have an adjudication of the claims of the people with whom they have lately connected themselves. But they would have done well to have considered that Congress have explicitly guaranteed these recent claims to N. Hampshire and N. York; and that if a people may as by right claim an exemption from a jurisdiction under which they have been long settled, till such claims can be adjudicated, it will at any time be in the power of a few factious people to produce the utmost confusion and dismemberment in those States.

⁴ See no. 381, note 4, *ante*, the *Journals*, Jan. 17, and no. 432, *post*. The letter from Deane to Robert Morris June 10 (printed in the *Royal Gazette* Oct. 27, 1781) is in N. Y. Hist. Soc., *Collections: Deane Papers*, IV. 403; that to Thomas Mumford, Sept. 24, is *ibid.*, p. 468; that to Barnabas Deane Sept. 26 is *ibid.*, p. 476. These last two letters were brought by William Marshall. See Livingston to the President of Congress Jan. 18, Wharton, *Rev. Dipl. Corr.*, V. 117. For letters of Livingston written in compliance with the instructions of Congress see *ibid.*, pp. 122, 123, 125, 144; cf. Franklin to Jay Jan. 19, to Livingston Mar. 4, to Morris Mar. 30, *ibid.*, pp. 119, 214, 278. See also Livingston to Trumbull Jan. 22, Mass. Hist. Soc., *Collections*, seventh ser., III. 313. Concerning a letter from Deane to Trumbull Oct. 21, 1781 (*ibid.*, p. 292), see *ibid.*, p. 349, and nos. 522, 529, *post*.

Congress have had it in contemplation to recognise their former act in their favour, and to declare that if the people of this district shall within two months accede to the confederation upon the terms proposed, that then they shall upon their signing the confederation be admitted into the Union, and that in case they shall refuse that they shall be reduced under one or more of the confederate States. Whether this measure as proposed will be adopted is uncertain. But doubtless measures to put matters upon a different footing in the northern frontier will be judged necessary. It appears very strange that this people will not now accept of what they have for a long time been endeavouring to obtain. This perseverance in a mode of conduct which is considered as so very improper may, unless immediately rectified, subject them to difficulties which they do not seem in the least to apprehend.⁵ We have no news of any importance to communicate to your Excellency.

P. S. Your Excellency's letter inclosing that of Mr. Bills' we immediately on receipt thereof lay'd before Congress, who refer'd the same to Com'tee appointed to take up that subject and to confer with General Washington thereon, who have the same now under consideration and as soon as they shall report thereon will acquaint you therewith.⁶

431. JAMES MADISON TO EDMUND PENDLETON.¹

PHILADA. Jany. 22d, 1782.

Dear Sir,

. . . . Congress are much occupied and perplexed at present with the case of Vermont. The pretensions of that settlement to the character of an independ't State, with the grounds on which they are made and the countenance given them by Congress are I presume pretty well known to you. It has long been contended that an explicit acknowledgment of that Character and an admission of them into the federal Union was an act both of Justice and policy. The discovery made through several channels and particularly the intercepted letters of Ld. G. Germaine added such force to the latter of these considerations, that in the course of last summer preliminary overtures were made on the part of Congress for taking them into the confederation, containing as one condition on the part of Vermont that they shd. contract their claims within the bounds to which they were originally confined, and guaranteeing to N. Y. and N. H. all the territory without those bounds to which their encroachments had been extended. Instead of complying with this condition they have gone on in their encroachments both on the N. Y. and N. H. sides and there is at this moment every symptom of approaching hostility with each of them. In this delicate crisis the interposition of Congress is again called for, and indeed seems to be indispensable; but whether in the way of military coercion, or a renewal of former overtures, or by making the first a con-

⁵ See no. 422, note 2, *ante*, nos. 431, 434, *post*.

⁶ Trumbull's letter enclosing a letter from Capt. Jabez Bill was dated Jan. 1 and was read in Congress Jan. 11.

[431]¹ Library of Congress, Madison Papers, Ac. 1081; *Writings*, I. 173; *Papers*, I. 109.

dition of a refusal of the last, is not so unanimously decided. Indeed with several members and I may say States in Congress a want of power either to decide on their independence or to open the door of the confederacy to them is utterly disclaimed, besides which the danger of the precedent, and the preponderancy it wd. give to the Eastern scale deserve serious consideration. These reasons nevertheless can only prevail when the alternative contains fewer evils. It is very unhappy that such plausible pretexts if not necessary occasions of assuming power should occur. Nothing is more distressing to those who have a due respect for the constitutional modifications of power than to be obliged to decide on them.²

[P. S.] We have fresh and indubitable confirmation of the apostacy of Deane from the independence of his country.

432. NICHOLAS EVELEIGH TO JOHN MATHEWS.¹

PHILADELPHIA Jany. 22, 1782.

. . . .² Mr. Deane has fully proved himself to be a traytor to his Country. two letters of his one to his Brother, the other to another person in Connecticut have lately fallen into our hands. from these there is no reason to doubt that the letters before printed under his signature were genuine. the ministry of Great Britain have certainly f[ound] his price and given it him. he has been [cautious?] in his correspondence and has taken care to make it very general in order that the poison may be more generally diffused and be the more generally mischievous. proper means will be taken respecting him.³

433. ARTHUR MIDDLETON TO CHARLES COTESWORTH PINCKNEY.

PHILADELPHIA January 26th, 1782.

Dear Sir,²

I hear you left Stanton yesterday and proceeded on your Journey southward. I fear you will have had many a disagreeable hour before you receive this. I find the regulation last made with regard to Promotions goes farther than I imagin'd when I mentioned it to you. It dissolves the Classes of States by districts, which was injurious to some of those who were linked together like the living and the dead in the Poet. The Two

² See nos. 422, 427, 428, *ante*, 434, 436, *post*. With regard to the intercepted letter of Germain see no. 200, *ante*.

[432]¹ N. Y. Pub. Lib., Misc. MSS., Eveleigh.

² The first part of this letter, taken in connection with a letter from Aedanus Burke to Arthur Middleton Jan. 25, and one from Edward Rutledge to Middleton Jan. 28 (*S. C. Hist. and Geneal. Mag.*, XXVI. 190, 211), suggests that it was addressed to John Mathews, who had recently left for South Carolina. Middleton's reply to Burke, Apr. 7, is *ibid.*, XXVII. 28.

³ See no. 430, *ante*.

[433]¹ *S. C. Hist. and Geneal. Mag.*, XXVII. 28.

² Although this letter as printed bears no address, it was evidently to Charles Cotesworth Pinckney, who had recently been in Philadelphia, a prisoner of war on parole (see no. 423, note 3, *ante*).

parts were combined that the one might carry through the other, tho' the whole stroke was intended merely to clear the way for a favorite promotion: it has not been since pushed but we expect it daily. V.³ is still *sub judice*; several Attempts have been made to carry the point of admission to the Union, but a few were obdurate; she will probably at least be kept out for a Time, if not forever, and punish'd in the end for her Iniquities. . . .

434. WILLIAM FLOYD TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

PHILADELPHIA, Jan. 31st, 1782.

Sir,

I recd. by Mr. Edgar ² your Excellency's letter with the affidavits accompanying it which I immediately laid before Congress, who committed them; and a copy of the report of the Committee, I did myself the honor to enclose to your Excellency sometime since; I hope it is come to hand before now. Congress after debating that report for 2 or 3 days, it was recommitted; the next report (not materially different from the first) was several days debated and committed again; about this time Mr. Seth Smith arrived, by whom I had the honor of receiving your Excellency's letter of the 21st instant.

Smith, by way of memorial ³ enclosing a kind of affidavit gave Congress information, which with some other that was at the same time received from another quarter, appeared to alarm some of our members who before that affected to disbelieve that they, the Vermontiers, had formed any connexion with the enemy. But this put it beyond a doubt.

Upon which Congress committed the Report as it then stood, with the concurrent Resolves of our Legislature on that subject: the information then recd. with all other papers that related to that business to a Com'ttee of one member from each State; that Committee has had it under consideration, and I was in hopes that yesterday or this day it would have determined on the principle (for which reason I detained Smith two days) but something happening which has prevented the Committee from doing it, I have thought proper not to detain him any longer.⁴

Congress appear to be sensible of the necessity of coming to some positive determination with respect to the business, but what they will agree to finally I cannot tell.

As nigh as I can judge, the States stand thus; N. H. would have them independent, but would rather they were not, if those on the East Side

³ Vermont. See nos. 422, 427, 428, 431, *ante*.

[434]¹ Harvard Univ. Lib., Sparks MSS., XII. 205.

² John Edgar. See the *Journals*, Jan. 29, Apr. 20. He was the bearer of Clinton's letters of Dec. 24 (see no. 422, *ante*). Concerning his affidavit see Vt. Hist. Soc., *Collections*, II. 220, 240, 256, 372, 382; *Vt. Recs.*, II. 461, 463.

³ See the *Journals*, Jan. 28 (p. 60 n.), Feb. 19, Mar. 1. A summary of Smith's representation is in *Vt. Recs.*, II. 372; *N. H. State Papers*, X. 418.

⁴ See the *Journals*, Jan. 25, 28, Feb. 19, 28, Mar. 1; also no. 422, note 2, *ante*, 436, 440, 443, 450, 452, 455, 457, 460, *post*. The report presented Jan. 28 is printed in *Hist. Magazine*, XXIII. 257, with the conjectural date Oct. 17, 1781. With some modifications it was again presented Feb. 18, and appears in the *Journals* under Mar. 1.

of the Mountain could be annexed to them, and those on the West side to N. Y. Mas., R. I., and Connecticut are full for making them independent, at all events right or wrong, just or unjust; New Jersey, Delaware, and Maryland have been full for their independence; but some of them appear to be staggered since the late information. Pennsylvania has been rather favoring their independence, but now appear to be at a stand what to do; N. C. and S. C. and Georgia and Virginia, are much in our favor. But what will be determined I am not able to say. Whether Congress will declare them an independent State, or oblige them to return to the State of New York, or whether they will oblige them to go partly to New York and part to New Hampshire. A few days I think will determine it, as something must immediately be done on the subject.

With respect to the distressed circumstances of our State and the settlemt of our Agent's accounts, a Committee has had them for many weeks and have not reported, tho' I am constantly pressing them; and they are as often promising to report in a day or two.⁵

The concurrent Resolves of our Legislature respecting Colo. Van Schaick I have laid before Congress and they say that they can do nothing in the matter as it now stands, that they understood that he was tired of the service, and was about to resign, that he was not superseded for any misconduct in him.⁶

Enclosed herewith is a copy of Chittenden's letter to the President in answer to the Resolves of the 20th of August last, it is Jesuitical and will bear different constructions.⁷

Forgive me, Sir, when I press the sending on some one of my colleagues, for 'tis an intolerable omission, or neglect, when questions of the utmost consequence should be agitated and determined without our being able to give a vote on them. . . .

435. THE PRESIDENT OF CONGRESS TO GEORGE WASHINGTON.¹

PHILADELPHIA 1st Feb., 1782.

Sir,

Congress being disappointed in their Meeting yesterday your Excellency's letter of the 30th ult. of course, was not laid before them until this morning. In answer to that part which relates to Major Porter of the 6th Massachusetts Regiment, I am directed to inform your Excellency, that He never obtained the permission of Congress to go to France or elsewhere.²

⁵ See no. 405, *ante*. Concerning the general plan of settlement of accounts of the states see nos. 423, 430, *ante*, no. 438, *post*.

⁶ See the *Journals*, Jan. 10 (p. 34 n.), also Aug. 31, Sept. 3, 4, 1781, and nos. 304, 428, *ante*. Robert R. Livingston wrote to Philip Schuyler Jan. 1, 1782, concerning Van Schaick's problem, remarking, "I despair of getting him the satisfaction which is due him, . . . I shall apply to the Secretary at War and the Genl. on the subject, as the business must be done thro that channel" (N. Y. Pub. Lib., Schuyler Papers, no. 1262, erroneously dated 1781). See further nos. 457, 470, *post*, and the *Journals*, May 21, June 26, Nov. 12.

⁷ Presumably Chittenden's letter of Nov. 20, 1781, read in Congress Dec. 12.

[435]¹ Library of Congress, Washington Papers; *ibid.*, President's Letter-Book, p. 141.

² Washington's letter of Jan. 30 was referred to a committee Feb. 1 (*Journals*, p. 66 n.) and a report was made upon it Feb. 11, but the report does not mention Maj. John Porter. The following letters in the Washington Papers relate to his case: Heath to Washington Jan. 19, Aug. 8, 10; Washington to Heath Jan. 29, Aug. 8; Jonathan Trumbull, jr., to Col. Calvin Smith Oct. 25.

436. SAMUEL LIVERMORE TO THE PRESIDENT OF NEW HAMPSHIRE
(MESHECH WEARE).¹

Dear Sir,

PHILADA. 5th Feb. 1782.

I recd. your favour of the 21st ulto.² this day by the post and am straitned for time as the post goes out at 4 of clock. A committee of 13 are now on the affairs of Vermont. Ira Allen and Mr. Fay are here. Some members of Congress are much alarmed and all are embarrassed at the present situation of Vermont affairs; but they have such repugnant ideas and interests, or rather attachments, as render it very difficult, if not impossible, to bring them to agree to any one thing. However nothing has been, or shall be, wanting on my part.³ I long for the arrival of Mr. Langdon who I hope is on the road.

I am convinced that a full representation of our state, at this juncture, wd. be of great use to us, as well as to the united states in general. I am heartily glad of the appointment of Mr. Gilman and Mr. Walker⁴ as I fear my domestick affairs will call me home the first of the summer.

437. CAESAR RODNEY TO THOMAS RODNEY.¹

Sir,

PHILADELPHIA Feby. 7th, 1782.

. . . . I have been quite a Stranger to any Request Made by you and Mr. Vandike to be left out of the Delegation, if that be the Case it is well enough, but I rather think the General Assembly have had in View the getting such as were most likely to Serve for nothing, if so, they will find themselves mistaken as to me. more of this matter when I shall have the pleasure of seeing you.²

438. JAMES MADISON TO EDMUND PENDLETON.¹

D'r Sir,

PHILADA. Feby. 7th, 1782.

. . . . Congress are still occupied with the thorny subject of Vermont.² Some plan for a general liquidation and apportionment of the public debts

[436]¹ N. H. Hist. Soc., Weare Papers, X. 113.

² Weare's letter is in *N. H. State Papers*, X. 472.

³ See no. 434, note 4, *ante*. On Feb. 1 Jonas Fay and Ira Allen presented to Congress their credentials of appointment as delegates from the state of Vermont, accompanied by a letter to the President, dated Jan. 30. The letter is in *Vt. Recs.*, II. 368, where also is found a letter from Fay and Allen to Livermore, Feb. 5. See the *Journals*, Aug. 14, 1781, and no. 252, *ante*. They were presently joined by Abel Curtis. See no. 440, *post*.

⁴ John Taylor Gilman took his seat in Congress June 20, 1782. Timothy Walker, although several times elected, never attended.

[437]¹ Hist. Soc. of Pa., Dreer Coll., Stamp Act Congress, no. 48.

² The election of the Delaware delegates, of which Caesar Rodney was one, took place Feb. 2, and the credentials were presented Feb. 14. Neither Thomas Rodney nor Nicholas Van Dyke was re-elected. Van Dyke does not appear to have attended since the latter part of August. Thomas Rodney had attended Jan. 28, but he remained in attendance only a few days. He was probably (though not certainly) in attendance Feb. 1, when, it would appear, he was placed on a grand committee to whom was referred the letter of Jan. 30 from Jonas Fay and Ira Allen. See the *Journals*, Feb. 1 (p. 66 n.), Feb. 19, Mar. 1. The naming of Thomas Rodney, in the two latter entries, as a member of the committee does not import his actual presence in Congress when these reports were brought in. Although Caesar Rodney was in Philadelphia from time to time in this period, there is no evidence that he attended Congress.

[438]¹ Library of Congress, Madison Papers, Ac., 1081; *Writings*, I. 176; *Papers*, I. 112.

² See no. 434, note 4, *ante*.

is also under their consideration, and I fear will be little less perplexing. It is proposed that untill justice and the situation of the States will admit of a valuation of lands the States should be applied to for power to substitute such other rule of apportioning the expenditures as shall be equitable and practicable, and that Com'ss'rs. be appointed by the concurrent act of the U. S. and each State to settle the accts. between them. The scheme is not yet matured, and will meet with many difficulties in its passage thro' Congress. I wish it may not meet with much greater when it goes down to the States. A spirit of accomodation alone can render it unanimously admissible; a spirit which but too little prevails, but w'h in few instances is more powerfully recommended by the occasion than the present. If our voluminous and entangled accts. be not put into some certain course of settlen't before a foreign war is off our hands it is easy to see they must prove an exuberant and formidable source of intestine dissensions.³

439. ELBRIDGE GERRY TO THE MASSACHUSETTS ASSEMBLY.¹

MARBLEHEAD 9th Feby. 1782.

Gentlemen,

I have this Day received from the Secretary of the State, a Resolve of the honorable Court, signifying their Desire to be informed whether I accept their last Appointment to a Seat in Congress; and beg Leave in Reply, to offer some Considerations that relate to the Subject.²

Soon after my Return to this State, in the Year 1780, I took the earliest Opportunity of communicating to the Assembly, such Matters as appeared to me to merit their attention: and stated my Reasons for supposing that the Mode adopted by Congress, in the Requisitions for that Campaign, had inferred a Tax of 309,176 $\frac{3}{4}$ Dollars in Specie, on this State, above it's due proportion. I likewise mentioned the Means used to prevent

³ See the *Journals*, Jan. 9, 11, 16, Feb. 7, 20; cf. nos. 423, 430, *ante*, 446, 465, *post*. Touching this subject Charles Pettit wrote to General Greene Feb. 10: "As to our public accounts, they remain, to my great mortification, *in Statu quo*. The various resolutions of Congress on this subject, not perfectly consistent with each other in their first construction, and rendered still more variant by the different species of money to which they have pointed, and the fluctuations in the value of these monies, have so perplexed the business that I have thought it, for a long time past, dangerous to make the least movement in it farther than to urge the establishment of some solid and permanent principles on which it may be taken up and proceeded in with some degree of certainty and safety. Partly from the pressure of other business, and partly with a view to procrastinate the payment of old debts, this object has constantly been postponed, or moved in with languor whenever it has been stirred. Since the appointment of a Financier, everything of this sort has been in a measure referred to him, at least, so far as to the marking out a plan. Some time ago, he was induced to propose a plan for the Liquidation of the General Accounts between the U. States and the several states respectively, and for the settlement of the Accounts of public Officers etc." Copied from the original then in possession of Mr. Stan. V. Henkels of Philadelphia.

Feb. 12 Gouverneur Morris wrote to Philip Schuyler, "As to Settlement of Accounts, Months have elapsed since a Plan for the Purpose has been before Congress and when they will adopt it I know not". N. Y. Pub. Lib., Schuyler Papers, no. 1551.

[439]¹ Mass. Arch., CCIV. 36 (addressed to Samuel Adams, president of the Massachusetts senate, and Nathaniel Gorham, speaker of the house of representatives).

² Concerning this episode see vol. V., pp. 41, 45, 102, 115, 370, 382. For a later phase see under July 3, 1783, in the next volume of these *Letters*.

this Measure, and informed the Legislature, that in opposing it, I was deprived of the privilege of a Member.

Proper Documents were produced in Support of Facts, which not only respected the Extra Tax, already mentioned, but likewise the Establishment of a *Precedent* for overrating the Abilities of the Common Wealth, and for loading it in future with insupportable burthens.

The Matter was referred by the General Assembly, to a joint Committee, who reported "that Congress did deny me the Privilege to which I was entitled, agreeable to their own Rules and Orders:" and, "that the Delegates of this State be instructed to remonstrate to Congress relative to the Quota of Men and Rates of Supplies required of this State; and also with Regard to the Reinbursement of the Charges of the Expedition against Penobscot."

The Report was accepted by the hon'ble House, but ordered to lie by the Council, and has not been since considered by that or any subsequent Legislature.³

True it is, that as I acted *officially*, the Silence of the honorable Court was a Matter of no Consequence to me, as an *Individual*, but as a *Delegate* the Concern was important.

If I was mistaken in my Ideas of the Matter, (which however corresponded with those of the hon'ble House) it is highly probable, that in opposing the *real* Grievances of the State, I should hereafter be considered by Congress as being actuated by a *partial Zeal*, rather than guided by a *candid Judgment*, and should neither be able to promote the Interest of the State, nor answer the just Expectations of the General Assembly.

But if on the other Hand, the Grievances complained of, did exist, and required the firmest Opposition, I can have no other Prospect, by continuing unsupported in Office, but that of being a painful Spectator to the Sacrifice of the Interest of my Constituents, and of being responsible for Consequences, which may not be the Result of my own Delinquency.

These Considerations, and others that need not be mentioned, induce me to think, that it will be for the Interest of the Common Wealth, as well as for my own Honor, to retire from publick Employment; And I must therefore beg Leave to decline the Acceptance of a Seat in Congress.

440. SAMUEL LIVERMORE TO THE PRESIDENT OF NEW HAMPSHIRE
(MESHECH WEARE).¹

PHILADA. Feb. 11th, 1782.

Dear Sir,

The post has just brought me your fav'r of the 29th ulto.² We are now earnestly engaged in the affair of Vermont. Allen Fay and Curtis are here.³

³ The report of the committee is in Mass. Arch., vol. CXLII.

[440]¹ Mass. Hist. Soc., C 81 B 66.

² The letter is in *N. H. State Papers*, X. 479.

³ See no. 436, *ante*. In *Vt. Recs.*, II. 369, is a memorial from Fay and Allen, Feb. 7, to the committee of Congress of which Livermore was chairman, also a memorial from Fay, Allen, and Curtis to the committee Feb. 12. At p. 371 are two letters from the Vermont delegates to Congress requesting copies of certain New York and New Hampshire papers. See the *Journals*, Feb. 13, 18 (pp. 75 n., 77 n.), also nos. 443, 448, *post*.

a large com'tee of Congress sat almost every day last week. On saturday we sat from 11 to 3 of clock and finally after much debate concluded to recommend to Congress to make one more offer to Vermont equal to that in Augt. last which you have seen, And to send them an agent to explain and inforce it; with this alternative that unless they comply, it shall be recommended to New Hamp'r and N York to divide them at the heighth of land and to pass acts of indemnity and confirm the grants made by Vermont in cases of no prior grant, also to confirm the grants of N H. and N Y. under certain equitable conditions, so as to make all partys easy, as far as possible. I confess I like this, in case they will not comply with the Resolutions of Augt. last. But whether Congress will agree to this or anything else I know not. It will be opposed by one party that would make them independent on no conditions at all: and by another that would indulge them in every thing they can ask to the ruin of N H and N Y both. Allen has given us long narratives of his negotiations, but palliates, and some are inclined to believe him. We have no proof of his going into N. Y as your letter says. . . .

441. EZEKIEL CORNELL TO GEORGE WASHINGTON.¹

[February 12, 1782.]²

Resolved

that the promotions here after made of Colo. or Lt. Colo. Commadant to the rank of Brigadier or of Brigadiers to the rank of Major Generals shall not entitle the officer so promoted to any additional half pay or allowance of land on account of such promotion, and that such of the present brigadiers as shall be promoted to the rank of Major Generals shall only be entitled to the half pay of brigadier and to the allowance of land allowed to brigadiers by the resolution of the 12th of August 1780. And that such of the present Colo. or Lt. Colo. commadants as shall be promoted to the rank of brigadiers and from thence to that of Major Generals shall only be entitled to the allowance of land and half pay assigned to Colo. and Lt. Colo's commadant any resolution heretofore passed to the contrary not withstanding.

Resolved

that all brigadier Generals who held that rank previous to the first day of May 1777 be and they are hereby promoted to the rank of Major Generals

Resolved

that all Colo's who held that rank previous to the first day of May 1777 be and they are hereby promoted to the rank of Brigadier Generals³

The foregoing proposed Resolutions are submitted for your Excellencys perusal and your opinion thereon will be acknowledged as a favour by him who has the

Honor to be your Excellencys most obedient Huml Servant

E CORNELL.

[441]¹ Library of Congress, Washington Papers.

² Undated but so endorsed. Washington replied Feb. 13.

³ Cf. the motion of Cornell Feb. 28. See also the *Journals*, May 25, 1781, Jan. 9, 10, 19, 1782, and no. 127, *ante*, no. 567 (note 2), *post*.

442. THE VIRGINIA DELEGATES TO THE GOVERNOR OF VIRGINIA
(BENJAMIN HARRISON).¹

S'r,

We have your favor of the 2d with the inclosures—those for Monsr. Mazzei shall be delivered to the Minister of foreign affairs with request to forward them in the manner desired.²

. . . . Duty as a Member of the federal union and interest as more intimately involved in the fate of the southern States cannot fail to operate as powerfull incentives to Virginia to use every means in her power to recruit her continental line and afford every other reasonable support to the southern Army.³ As we are unacquainted with the supplies of Beef furnished by the State upon former requisitions we are at a loss to know how far it w'd be necessary to ascertain the terms of the supply now called for to enable the State to charge it in acct. with the united States in part of the quota of the present year. If therefore any thing further is necessary to be done You will please to communicate your desires and they shall be attended to.⁴

Mr. Randolph intends shortly to Virginia, by him we will endeavour to send the journals you wrote for and also the Cypher so long promised.⁵

PHILA: 15th February 1782.

443. SAMUEL LIVERMORE TO THE PRESIDENT OF NEW HAMPSHIRE
(MESHECH WEARE).¹

PHILADELPHIA Feb. 19th, 1782.

Dear Sir,

I recd. your favour of the 4th instant respecting back rations, subsistence etca. claimed by the officers of our line.² There is no resolution of Congress recommending to the states to pay any thing of that kind. Tis a misfortune that none of our journals have been printed for near two years. I suppose Genl. Sullivan brought you a compleat set of all that ever were printed. I enquired of the secretary and a number of the old members who all concur in opinion that the states had nothing to do with the rations etca. Enclosed is a report of a com'tee respecting Vermont

[442]¹ Va. State Lib., Executive Papers; *Cal. Va. State Papers*, III. 61 (part; signed by Madison, Randolph, and Jones).

² The governor's letter of Feb. 2 is in *Official Letters*, III. 142; his letter to Mazzei, dated Jan. 31, is *ibid*.

³ The delegates had spoken of the deficiencies in the Virginia continental line, which "should be first on the list of the southern army for numbers", yet was, as they were informed, "greatly short of that of Maryland". See the *Journals*, Feb. 13. The letter of the governor of Virginia there mentioned was read in Congress Feb. 6 (see the *Journals*, p. 67 n.). Cf. nos. 459, 464, *post*.

⁴ Harrison's reply, Mar. 1, is in *Official Letters*, III. 168.

⁵ See no. 360, *ante*, nos. 484, 487, *post*.

[443]¹ N. H. Hist. Soc., Weare Papers, X. 117.

² Weare's letter of Feb. 4 is in *N. H. State Papers*, X. 577.

but I believe it will never pass congress, several days have been spent on the subject.³ I wish for your sentiment on it.

I have the honour to be your most obedt. servt.

S. LIVERMORE.

444. ELIAS BOUDINOT TO ELISHA BOUDINOT.¹

[February 20, 1782.]

. . . . There is not the least prospect of Peace or scarcely the probability of it—on the contrary every measure is adopting in England to send over a large body of Hanoverians and some English regulars early in the Spring. The Com'r in chief expects the next campaign to be the most important of any that has been or will be in America this war.² Alas! we are distressed with the languor and Inactivity of the States. All that can be done by Congress, has been, to rouse them from their Lethargy, but all is treated as matter of course. We have no official Information of any spirited measure taken by any State in the Union, equal to the necessity of the Times.³

445. THE SECRETARY OF CONGRESS TO THE GOVERNOR OF NEW YORK (GEORGE CLINTON).¹

PHILADA. Feby. 21, 1782.

Sir,

I have the honor to inform your Excellency that your letter of the 15 Jany. enclosing sundry papers touching a claim of Sir James Jay upon the United States, was laid before Congress. This matter has been several times under the consideration of Congress and I have it in charge to communicate to your excellency the report of a committee on the Subject, to whom was referred a letter of the 4th of Sept. 1780 and on which report Congress passed a resolution on the 14 Decr. 1780, which I also enclose.² I beg leave just to observe that the payment of Interest by bills

³ This report is in the Library of Congress, "Continental Congress, Miscellaneous" (portfolio 103). Although the *Journals* record that the report was brought in Feb. 19, Livermore's remark shows that it had already been under discussion for several days. Indeed the New York delegates, in their letter of Mar. 5 (no. 452, *post*), state positively that the report was taken into consideration on the 14th, and the postscript to the letter of Livingston (no. 448, note 2, *post*) carries a similar implication. That postscript may have been written on the 14th, after the presentation of the report to Congress. On the other hand, the endorsement on the report (see the *Journals*, Mar. 1, p. 113) indicates that it was brought in on Feb. 18. See further the *Journals*, Feb. 19, 28, Mar. 1; also no. 440, note 2, *ante*.

[444]¹ Boudinot, *Life of Elias Boudinot*, I. 243 (extract).

² Writing again to his brother, Feb. 26, Boudinot remarked: "We have not the most distant prospect of Peace, but the Vigorous campagne on the part of the Enemy is in view. I wish I could say as much of the United States. I am fully of opinion that England will draw out their resources to the utmost, and if there is any vigor in the british Lion yet left, we shall now see it." *Life of Boudinot*, I. 246.

³ See Secretary Livingston's circular to the states Feb. 19 (Wharton, *Rev. Dipl. Corr.*, V. 181), also Morris's circular letter of Feb. 15 (*ibid.*, p. 164). Livingston's letter is also in Mass. Hist. Soc., *Collections*, seventh ser., III. 317; Morris's is *ibid.*, p. 324.

[445]¹ N. Y. State Lib., Clinton Papers, no. 4347; Library of Congress, Papers Cont. Cong., no. 49, f. 375.

² See the *Journals*, July 18, 25, Aug. 29, Sept. 5, Dec. 14, 1780, Aug. 20, 27, Sept. 29, 1781. The *Journals* do not mention the New York letter of Jan. 15, 1782.

of exchange was confined to money lent before the 1st day of March 1778 and that no certificates issued after that time were entitled to that benefit.

446. THE VIRGINIA DELEGATES TO THE GOVERNOR OF VIRGINIA
(BENJAMIN HARRISON).¹

Sir,

We have your Excellency's favor of the 9th of this month.² Since our last the plan for the final settlement of the public accounts from the commencement of the War to the 1st of January 1782, which we formerly mentioned to be under consideration has been adjusted and agreed to by Congress and will be fully explained to your Excellency by the superintendent of finance to whose department it properly belongs. the want of the rule prescribed by the articles of Confederation and which from the particular situation of some of the States could not now be obtained rendered the adoption of any mode very difficult. the one proposed when the variety of circumstances and interests to be combined upon the occasion are considered, will perhaps be found as free from exception as any that could be devised and will it is to be hoped meet the approbation of the States.³

PHILA: 25th Feby 1782.

447. JAMES MADISON TO EDMUND PENDLETON.¹

PHILADA. Feby. 25th, 1782.

Dear Sir,

. . . . You have been misinformed I find with respect to that article in the scheme of the bank which claims for it the exclusive privilege of issuing circulating notes.² It is true Congress have recommended to the States to allow it such a privilege, but it is to be continued only during the present war. Under such a limitation it was conceived both necessary to the success of the scheme, and consistent with the policy of the several

[446]¹ Va. State Lib., Executive Papers (signed by Madison, Randolph, Jones, and Lee); *Cal. Va. State Papers*, III. 76.

² Harrison's letter is in *Official Letters*, III. 146. Among other contents the letter acknowledges receipt of the delegates' letter of Jan. 24, which pertained chiefly to the method of shipping the military stores that the state of Virginia was obtaining from France (the letter was at one time in possession of the late Adrian H. Joline of New York). A letter from the delegates to the Chevalier de la Luzerne on the subject, Jan. 24, is in *Cal. Va. State Papers*, III. 47, and a letter from Harrison to Luzerne, Feb. 9, is in *Official Letters*, III. 148.

³ See nos. 423, 430, 438, *ante*, 465, *post*. A plan for the settlement of accounts was adopted Feb. 20, and additional measures adopted Feb. 27. The latter resolves were taken upon consideration of a letter from the superintendent of finance, Feb. 18 (Wharton, *Rev. Dipl. Corr.*, V. 171). See further Morris's circular letters of Mar. 9 and Apr. 15 (*ibid.*, pp. 230, 309), and no. 465, *post*. The omitted passage is mainly a reply to the governor's request with regard to supporting the southern army, that the delegates call on Congress and insist "that they deal by us as they have done by other States".

[447]¹ Library of Congress, Madison Papers, Ac. 1081; *Writings*, I. 179; *Papers*, I. 113.

² See Pendleton's letter of Jan. 28, Mass. Hist. Soc., *Proceedings*, second ser., XIX. 145.

States; it being improbable that the collective credit and specie of the whole wd. support more than one such institution, or that any particular State wd. during the war stake its credit anew on any paper experiment whatever. . . .

448. WILLIAM FLOYD TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

PHILADELPHIA Feby. 26, 1782.

Sir,

I omitted writing to your Excellency by last post Expecting that before this day Congress would have Come to Some determination on the Vermont Business, and that I might by Now, have been able to have given you fully the Sense of Congress on that Subject. But notwithstanding every Effort which Mr. Scott and myself have been able to make, we have not been able to bring it to a Question. the Report has been fully Debated and I believe that Nothing Now Can be said for, or against the Report, but yet we Cannot Get the Question. the Reasons as I imagine which hinders are, that there being Seven if not Eight States, for giving them Independance within their original Claime, and as it is one of those Questions which Requires nine States; they are puting it of in Expectation of Obtaining one or more in their favour. your Excellencys Letter of the 5th Instant with the Intelligence from New York Came to hand in time, Even while we had the Matter under Consideration which I Read to the house, and which Corresponded Exactly with what we had Recd. from new York through another Channel; this put it out of Doubt in the mind of Every Gentleman in Congress that they have Entered into Such Treaty, but those who wish to befriend these Traytors to their Country, Endeavour to Extenuate their guilt by Saying that they only meant to Deceive the Enemy and that nothing Real was Intended.

The Difference between us in Congress on this Question is, whether We Shall again offer these people Independance or not. 7 or 8 States are for the Question, yet I believe there are so many Opposed to it that they will not be able to get nine States. under these Circumstances I am afraid that Nothing Effectuall will be Done very Soon.²

[448]¹ N. Y. State Lib., Clinton Papers, no. 4359.

² See the *Journals*, Feb. 19, 21 (p. 87 n.), 28, Mar. 1, and nos. 434, 436, 440, 443, ante, 450, 452, 455, 457, 460, post. The letter of Feb. 21 from the Vermont agents to the President of Congress, read in Congress the same day, is in *Vt. Recs.*, II. 373. Robert R. Livingston wrote to Philip Schuyler Feb. 13:

"I direct to Poughkepsie in the persuasion that you are there attending on the Legislature since I find by your favor of the 1st you are fully impressed with the necessity of coming to some determination, on that very alarming business you mention. Your Delegates will I dare say give you a state of it, as it lies before Congress, But least they should not, I mention to you what I have been able to learn out of Doors, not chusing from the peculiarity of my Situation to attend the Committee, or to appear to interest myself in the issue, except as a Member of the Community at large. Upon the Representations from the State a Committee were appointed consisting of one Member from each State, shortly after which, they received such Evidence of their intercourse with the Enemy as alarmed them exceedingly. The Agents for Vermont who have since arrived, and who are daily heard by the Committee, have endeavoured to explain away this Connection, which they do not deny by declaring, that their Object was merely to temporize with the Enemy, and

We have no late accounts from Genl. Green, the Report or Information which he had of a large Reinforcement from Ireland, is we think without foundation.

I am Sir with the Greatest Respect and Esteem

Your most obedt. and humble Servt.

WM. FLOYD.

449. THE SOUTH CAROLINA DELEGATES TO THE GOVERNOR OF
SOUTH CAROLINA (JOHN MATHEWS).¹

Febru'y 27th, 1782.

Sir,

We have not been honour'd with any of your Letters since [blank] nor have received any Advices from Carolina which can be depended on, respecting the Proceedings of the Legislature nor of the Operations of the Army since General Greene moved down the Country and obliged the Enemy to Evacuate Dorchester;² we can not but be anxious on both these Subjects, at a period so critical to the Interests of our Country, and are hopefull of receiving shortly agreeable Intelligence. . . .³ We

prevent the distress of their Country. Many Members of the Committee seem disposed to admit this plea. More totally disbelieve it. Those who are most their Friends insist upon their relinquishing their new Claim, their Agents here resolve to maintain it so that I have very great Doubts about their acquiescence in the Resolutions of August last. If however Congress can come to any Resolution upon the Subject (which I very much doubt from the variety of Sentiments that prevails) it will be to give them a short day by which they must close with the resolutions of August last, upon pain of having the Arms of the United States turned against them. this seems to be the prevailing Sentiment, but whet[h]er it is the Sentiment of seven out of the nine States of which Congress are now composed I know not, more especially as our Delegates must vote against it. . . .

"[P. S.] This moment I am informed that the Committee upon the Vermont business have determined as I above supposed they would, with this addition that if the terms are not accepted in one month from the time of serving the resolutions the green mountains are to be the division between us and New Hampshire. And the Genl. is without further order to reduce them to obedience."

This letter, which is addressed to Schuyler at Poughkeepsie, "Hon'd by Wm. Bedlow Esqr.", is endorsed: "From Robt. R Livingston Esq. Feb: 13: 1782 Recd. 21 do. An'd 22 do." It also bears the following memorandum: "write the Chancellor to put some member of Congress in mind of our Act relative to Vermont." The original is in N. Y. Pub. Lib., Schuyler Papers, no. 1563; a copy is *ibid.*, Bancroft Coll., no. 861. Cf. Livingston to Franklin Feb. 13, Wharton, *Rev. Dipl. Corr.*, V. 160.

[449]¹ *S. C. Hist. and Geneal. Mag.*, XXVII. 51.

² Letters from Edward Rutledge to Mrs. Middleton (Feb. 6) and to Arthur Middleton (Feb. 8, 14, 26), relating events in South Carolina, are in *S. C. Hist. and Geneal. Mag.*, XXVII. 1-10. Letters from Rutledge to Middleton Mar. 16 to Sept. 2 are *ibid.*, pp. 10-23. With regard to the new election of delegates Rutledge wrote Feb. 8: "I am sorry that those who are in Philadelphia are thrown out. I did what I could to prevent it, but my exertions were ineffectual. However, they will think themselves relieved of much burden." Feb. 14 he wrote: "As I was not able to continue them altogether in the Delegation, In Justice to them as well as to their Country, I got the Resolution passed continuing them until a sufficient Number to represent this State shall arrive in Philadelphia." The resolution was adopted Feb. 9 (MS. Journal, S. C. House of Reps., 1782, p. 76). David Ramsay, writing to Benjamin Rush Feb. 9 concerning the new delegation, remarked that Gadsden had declined on account of age and infirmities (Library Company of Philadelphia, Ridgway Branch, Yiz. 7257 F 19).

³ An omitted passage relates chiefly to the arrival at Havana of Commodore Gillon, "with five Jamaica British prizes of considerable value". Elias Boudinot wrote to Elisha Boudinot Feb. 26 of this event, adding, "So that impoverished State will in a great measure be reimbursed for part of their enormous Expense attending that vessel" (*Life of Boudinot*, I. 246). See no. 274, *ante*.

can not flatter ourselves with anything so favourable to our Wishes as an Evacuation of what they [the enemy] hold to the Southward, a Circumstance which would be agreeable, tho' not equally so with that of their being disgraced by Capture in a Country so long curs'd by their despotic Sway. We are rather apprehensive that their Purpose is to remove the Slaves and Property they have stollen to some place of greater Security; as they must have reason to think that a Cooperation of our Ally may not be improbable in Which case they must look for the Fate of York Town. A short time will however discover their views.⁴

450. SAMUEL LIVERMORE TO THE PRESIDENT OF NEW HAMPSHIRE
(MESHECH WEARE).¹

PHILADELPHIA March 2nd, 1782.

Dear Sir,

. . . . But as the subject² is painfull to me, to dwell on, and will doubtless be so to you, I shall proceed to the old story of Vermont, and that is worn a little thread-bare. Yesterday, after several days debate on the subject, a resolution was passed to strike out of the report of the Com'tee (you have the report) all that part which proposed to give Vermont another month to Comply with the resolution of Augt. last, etca. This you will very plainly see was to destroy the whole report. The debate will be taken up again in a few days; but what will be done I know not. I fear some would sacrifice the peace of N. H. and N Y. both to gratify their darling Vermont; others will never agree to any terms that suppose the existence of their independence. Between these two partys no one proposition respecting them can be agreed on.³

You will perceive by the memo. inclosed that the Lottery is not yet done drawing.

451. SAMUEL OSGOOD TO JAMES LOVELL.¹

SATURDAY 2d March [1782.]

Dear Sir,

Nothing interesting has taken Place since I wrote you last. We have employed this Week principally upon Vermont and after two or three Days tedious Debate Amendments Yeas and Nays upon the same we finally came to a Vote upon the whole yesterday. . . . Mr. Woolcot

⁴ Respecting the exchange of Cornwallis see nos. 365, 402, *ante*, and the *Journals*, Feb. 18, 23. Respecting the course of the British in South Carolina see Rutledge's letter of Feb. 26, referred to in note 2, above. Rutledge wrote to Middleton Apr. 23: "I am very sorry that Cornwallis's Exchange has been agreed to: He should have been held a Prisoner for Life as a Rascal, and the World should have known that he was precluded from the Benefits of Freedom, because he was a Monster and an Enemy to Humanity. However, I am in hopes the Terms upon which he is offered to be Exchanged will destroy the Thing itself." *S. C. Hist. and Geneal. Mag.*, XXVII. 15.

[450]¹ N. H. Hist. Soc., Weare Papers, X. 124.

² The omitted passage relates to bills which he had drawn in order to repay Robert Morris for advances.

³ See the *Journals*, Mar. 1, and no. 448, *ante*, nos. 451, 452, *post*.

[451]¹ N. Y. Pub. Lib., Samuel Adams Papers (bound with 1781).

was in the Negative not because he is against the State but he did not think that the Report was on liberal Principles. Thus we cannot make them independent: we cannot obtain a Vote to reduce them to Subjection to any of the Claiming States. The natural Inference seems to be that they must remain as they now are, If they are contented to be so. I wish the Consequences may not be dangerous.²

You will find that Congress have come to a determination on the Report respecting Mr. Temple, which has been postponed from Time to Time, as you well know. We have recd. no Kind of Intelligence respecting him and could not with much Reason request a farther Delay. I have in a former Letter requested you to inform me of his Situation with Respect to the Government and I doubt not I shall by the next Post receive some Anecdotes from you on this Head.³ . . .

452. THE NEW YORK DELEGATES TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

PHILADELPHIA, March 5th, 1782.

Sir,

On Thursday the 14th last, Congress proceeded to a consideration of the Report of their Committee on the subject of the New Hampshire Grants,² a copy whereof we have the honor to enclose you, and for the purpose of shortening the debate they agreed to take up first in order the second resolution, Because the others evidently depended on it, and would necessarily in a great measure become nugatory, should that be negatived; it was debated till the adjournment of that day without putting the question, and resumed and debated again on Thursday last, and on the day following on a motion made by one of us, seconded by the other, for striking out the Resolution the question was put, shall the clause stand? On this question the yeas and nays were called for, and the State of them was as follows: to wit, New Hampshire unrepresented, Mr. Livermore for that State, No. Connecticut divided, not on principles agt. the independency held up by the clause, but because Mr. Wolcott, one of the Members wished, for obvious reasons, that the limits of the New Hampshire Grants should be undefined. Massachusetts, Rhode Island, New Jersey, Pennsylvania (except Col. Atlee [Atlee]) Delaware and Maryland, Ay. The rest of the States, No. So that even had seven States been sufficient to carry the question in the Affirmative, the clause

² See nos. 448, 450, *ante*, 452, 455, *post*.

³ See the *Journals*, Jan. 2, Feb. 27. The letter of Livingston, mentioned under Feb. 27 as dated Nov. 22, 1781, is recorded in the *Journals* Jan. 2 as dated Nov. 18. It is in Wharton, *Rev. Dipl. Corr.*, IV. 845. That of John Adams, Aug. 16, 1781, is *ibid.*, p. 658, and in Adams's *Works*, VII. 457. See also no. 572, *post*; *cf.* the *Journals*, Sept. 1, Dec. 3, 8, 1778, and the letters of Samuel Adams Sept. 3, Dec. 13, 19, 21, 25, in vol. III. of these *Letters*. The proceedings of Feb. 27 were, in accordance with the instructions of Congress, transmitted by President Hanson to the governor of Massachusetts Mar. 1 (Mass. Arch., CXLII. 426; Library of Congress, President's Letter-Book, p. 142).

[452]¹ Harvard Univ. Lib., Sparks MSS., XII. 208 (signed by Scott and Floyd).

² Although the *Journals* do not mention that the question was considered Feb. 14, there are other indications that the report referred to was actually presented on that day. See no. 443, note 3, *ante*.

was necessarily lost. A motion was then made (with a view to substitute something in lieu of the rejected clause) for recommitting the residue of the report and on the yeas and nays being called for, the motion was lost. So that the Report stripped of its principal resolution yet lies before Congress; and will not we suppose be moved on again except by us, who intend shortly to prepare another set of resolutions for the introduction of which we must necessarily move for postponing the rest of the Report. The States who were with us in negating the clause are strongly against declaring the independency of the Grants either on supposition of the want of authority in Congress so to declare them, on principles of political expedience, or because they conceive that the admission of the Grants as an Independent State into the federal Union would be prejudicial to the United States. What alteration may happen in the sentiments of those States from a change of members we cannot say. But to guard against such an event we shall endeavor to bring Congress to some final determination on this momentous subject as speedily as possible. In the transactions above related Congress have fully evinced their settled departure from the ground of submission established by their Resolutions of the 24th September, 1779, which exclude the interested States from voting. For upon no other principle could they have admitted New Hampshire and New York to a vote.

The Secretary for Foreign Affairs yesterday read to us a passage in a letter from a correspondent at Boston which positively asserts that General Sullivan had marched with 1000 men to reduce to obedience to their government the revolters on the East side of Connecticut River. It were to be wished we could do the like on our part; and also fully inform the inhabitants of that territory of the secret overtures of Ira Allen and a few others to subject it to the Crown of Great Britain. This Allen confessed before the Committee of Congress in terms nearly in substance similar to the copy you did us the honor to enclose to us; which, together with such parts of your letter as were proper to be made public we read in Congress; but he added to his confession that the overtures were only intended to prevent an expected inroad from Canada into their country.

Our most sanguine views will not flatter us with a hope that Congress can possibly be brought to any thing more than to give an express guarantee to us up to the 20 mile line and to New Hampshire to Connecticut River, and perhaps to support that guarantee by the arms of these United States. But this is doubtful. In this view it is evident that some State measure must be taken to secure the interjacent country. What we propose is, that the line of partition between us and New Hampshire, held up by one of the Resolutions in the Report, be settled by concurrent Acts of the two States. We are the more anxious for this measure, because as it will take nothing from us as a State which in point of soil or jurisdiction is worth our possessing, so it will add vastly in both to New Hampshire, and probably induce them to make common cause with us in reducing the revolters to obedience by arms. This measure we conceive may without breach of faith be adopted by the two States, as it is evident that Congress will not determine the controversy on the ground of sub-

mission held up by this aforesaid Resolution, and confirmed by the Acts of the two States. Be assured, Sir, that we shall be unwearied in our endeavors on this and every other subject to promote the interest of the State we have the honor to represent,³

453. ELIAS BOUDINOT TO LEWIS PINTARD.¹

PHILADELPHIA March 5th, 1782.

My dear Sir,

. . . . By some late Resolutions of Congress the Superintendant of Finnance is to appoint a commissioner for settling the Accts. of each State to the last Day of Decr. 1781.

This being a temporary Business perhaps of but one or two Years standing with a Salary of 1500 Doll. per Annum and liberty of appointing a Clerk with a Salary of 500 Doll. per Ann. and which may be executed at home, I have recommended you as one, by which you can also provide for Johnny till the War may be over.

You will hear farther from Mr. Morris on this Subject e'er long.²

454. JOHN HANSON TO JOHN HALL(?).¹

PHILADELPHIA Mar. 11th 1782.

My dear Sir,

. . . . The assembly of this State are now Sitting, and have unanimously passed their Supply Bill for raising the Quota of money required by Congress, the whole to be paid in hard money, or Bank Notes. This Exertion is the more pleasing, as it is to be feared, most of the other States will be greatly deficient. If it was Expected by our assembly, that the Financier would take off our Specific Articles, I am afraid they will be disap[pointe]d. He will it is more likely require, that the money should be paid in to the Treasury, in order to discourage Taxes being received in Specific Articles in future.

455. SAMUEL LIVERMORE TO THE PRESIDENT OF NEW HAMPSHIRE
(MESHECH WEARE).¹

PHILADELPHIA 12th March 1782.

Dear Sir,

I am honoured with yours of the 23rd ulto., which I shall immediately lay before Congress.

³ See nos. 455, 457, 460, *post*. Scott wrote to Governor Clinton the same day: "I count myself happy, that I arrived here so opportunely as I did; as the Consideration of the Report, a Copy of which is inclosed in our official Letter came on next day." N. Y. State Lib., Clinton Papers, no. 4378.

[453]¹ Hist. Soc. of Pa., Boudinot Papers, II. 94.

² Boudinot wrote to Pintard Mar. 12: "As to the appointment I mentioned to you, it is for the purpose of settling and adjusting the Accts. of the department for which it is made up to the last day of Decr. 1781 and no farther. I can't imagine it can take above two Years at most, and there is little or no Prospects of Peace in that Time." *Ibid.*, II. 235.

[454]¹ Md. Hist. Soc., Gilmore Papers, III. 3.

[455]¹ N. H. Hist. Soc., Weare Papers, X. 128.

I am sorry the subject had not been divided, so as to bring into view, first the quota of eight million; and afterward redress for five million old Continental, that died in your hands. However I shall do the best I can with it.² As to Vermont, a rumour prevails here, that they have agreed to comply with the Resolutions of Augt. that is, to relinquish their late encroachments, etca. if this be true, the hurly burly is done. The papers they laid before Congress were chiefly copies of such things as they had formerly laid before the assembly of Newhampsh'e, with a pretty long memorial of theirs, drawn up in their usual style. I should have sent you copies, if they had appeared interesting! but I will revise, and if anything appears new, you shall have it. As to the sense of Congress, it appears to me, that N York Virginia N and S Carolina and Georgia are against receiving Vermont into Confederation, or allowing independence. Massa. R'd Island Con't N Jersey Pens'a Delaware and Maril'd favr. them. So you see 7 for it 5 against it. But it requires the assent of Nine states, by articles of Confederation. Some of the states may change their delegates, or delegates may change their minds. My own private opinion would be (seeing the matter is brought to what it is) to give them independence, and receive them into confederation, if that would end our troubles upon the subject, which I suppose it would; but I shall never vote for it without instructions from the state (as I think myself bound by instructions to the contrary.) Perhaps the case may be much the same with the delegates of N Y: but this I cant affirm. Genl. Scot and Col. Floyd are gen. of candour, and discernment; but they are governed by instructions. If nothing else will do let N. H. and N Y by acts of legislature appoint commissioners to settle the boundarys (at the heighth of Land). This proposal comes from the delegates of N Y. If N H must go to war they may as well claim to the heighth of land as to the river and perhaps as easily conquer one as the other.³ If Mr. Langdon shd. decline which I shd. be sorry for, I wish the other delegates may be sent to relieve me by first of May or sooner.

456. SAMUEL LIVERMORE TO THE PRESIDENT OF NEW HAMPSHIRE
(MESHECH WEARE).¹

PHILADELPHIA 12th March 1782.

Dear Sir,

. . . . A Court of appeals has been instituted by Congress, to hear all appeals from the maritime Courts, in cases of capture: to consist of three judges, any two to make a quorum: To sit once a year, in an eastern, middle, and southern district.² Two judges have been appointed and have

² Weare's Letter of Feb. 23 to Livermore (*N. H. State Papers*, X. 578) was read in Congress Mar. 13 and referred to a committee (see the *Journals*, p. 128 n.). The committee's report was taken into consideration Apr. 1 and agreed to May 22. See no. 376, *ante*, nos. 463, 467, 478, 483, *post*.

³ See nos. 450, 455, *ante*, 457, 460, *post*.

[456]¹ Mass. Hist. Soc., C 81 B 70 (marked "private").

² For some account of the earlier history of the Court of Appeals see vol. V., no. 33, note 2. After the adoption of the Articles of Confederation, Mar. 1, 1781, there was a movement to establish the Court of Appeals on the basis of a thoroughgoing ordinance.

acted. Another judge is wanted. In the begining of Jany. I was in nomination and had the vote of six states: but Rd. Island was against me: so I missed the election, as nothing is valid without seven states. There were then but seven states represented. The affair being brought on next day an objection was started, that no member of Congress could be appointed, according to articles of Confederation. The election was then put off for my time in Congress to expire (the 18th Jan). My reappointment frustrated this plan. No judge is yet elected.³ . . .

457. THE NEW YORK DELEGATES TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

PHILADELPHIA, March 12th, 1782.

Dear Sir,

We were yesterday honored with the Receipt of your Excellency's Letter of the 2d instant by some private hand.² It gave us great Pleasure to find not only that the Legislature were disposed to continue firm in the same Spirit which dictated their concurrent resolutions of October last; but that the people at large were greatly incensed at the perfidy of the Leaders of the inhabitants of the Grants, so fully evidenced by their Negotiations with the Enemy. Their Conduct in this Instance will we hope leave them without a Friend in the State; and ought to operate as a most cogent Reason with Congress to blow up their Fabric of Independence. We see clearly however that interested and political Motives have such an Influence on a Majority of Congress; that from these Negotiations strong Arguments of political Expedience are drawn in favor of a declaration of their Independence and their Admission into the Foederal Union, as the most effectual Means to prevent such Negotiations

Apr. 12, 1781, Madison made a motion embodying the outlines of such an ordinance, which was referred to a committee consisting of Varnum, Bee, and McKean. This committee brought in an ordinance May 10, which was read a second time May 11, and a third reading set for May 14. The *Journals* contain no record of this third reading; but on June 4 the same committee, to whom the subject had been recommitted, brought in a new ordinance, which was given a first reading, and the second reading set for the following day. The second reading did not however take place until June 25, when it was debated and further consideration postponed. The particular question debated at that time was whether the judges should hold their commission during good behavior. On July 18 the ordinance was again taken into consideration, and under that date it is printed in the *Journals*, with certain paragraphs marked "passed". Again the ordinance was recommitted, and Edmund Randolph added to the committee, who were further instructed to bring in an ordinance regulating the proceedings of admiralty courts, etc. On Aug. 14 this committee brought in a new ordinance for establishing a court of appeals and also an ordinance ascertaining what captures on water shall be legal. Indeed Congress appears at this time to have largely turned aside from the question of establishing a court of appeals and given its attention to the subject of captures on water. See no. 426, note, 4, *ante*. It was not until Jan. 3, 1782, that Congress returned to the problem of establishing a court of appeals. Mar. 30 a new ordinance was reported and Tuesday, Apr. 2, set for a second reading; but the subject now disappears altogether from the *Journals*. With regard to the vacancies, which were not filled until Dec. 5, see nos. 587, 708, *post*, and the *Journals*, Nov. 22, Dec. 2, 5, 13.

³ Livermore discusses the possibility of bringing about his appointment eventually. See no. 491, *post*.

[457]¹ N. Y. Hist. Soc., Duane Papers, V. 418 (draft, in the writing of Scott); Harvard Univ. Lib., Sparks MSS., XII. 211.

² This letter has not been found.

in future. Whereas every disinterested person must clearly see that by establishing the Independence of the Grants and admitting them into the Union, the Influence of their wicked Leaders will be rendered permanent, and endanger the Safety of these United States, by admitting so many Serpents into our Bosom to poison our Councils, divulge our Secrets and give an easy admission to the Enemy into the Heart of the American Empire. Yet however evident the danger, the Majority appear so fixed that nothing but their Inability to increase their Number to nine States can prevent the Execution of the dangerous Plan and the arbitrary dismemberment of our unhappy State.

No New Manoeuvres [*sic*] have taken place since we had the honor of writing to you officially by Mr. Paymaster General Pearse.³ Before the receipt of your Letter we had information that the Grants had lopped off their Wings; and that agents were on their Way hither; to make the preliminary Relinquishment required by the Resolutions of Augt. last. We shall endeavor to prevail on Congress to defer taking up the Business on this Ground 'till we shall be further honored with the Instructions of the Legislature which we are determined shall in every Instance be the invariable Rule of our public Conduct. We beg that not a moment may be lost in conveying them to Us, and at the same Time we wish to be furnished with directions whether we are to keep our State or leave them till further Order from the States, in Case an arbitrary Majority should force the detested independence upon us. Permit us Sir to assure you and the Legislature that in this and every other Instance we shall devote ourselves to the Promotion of the true Interest of our State as it stands connected with the real welfare of these United States; and that we shall be punctual in our official informations on this and every other Subject.⁴

With respect to Colonel Willets affair the Prospect is very discouraging. His restoration to his Rank seems almost impossible on the present Plan of military Arrangements. We have, as you advised, conferred with the Commander in Chief; who while he pays particular Attention to the Colonel's military Merit, seems to be of Opinion that should the Door be opened for his restoration it would be productive of so many similar Applications which could not be complied with, as would prove injurious to the Public by giving great and just Cause of discontent. Of the same opinion is the Assistant Secretary of War; who if we may judge from our Conversation with him, can never be induced to recommend it to Congress to restore the Colonel to his Rank. He gave also the fullest Reason to believe that General Lincoln will be of the same Opinion. However Sir to convince you and Colonel Willet, that we shall leave no Method unessayed to serve him and the State in this Instance we shall apply to the Secretary of War immediately on his Return from Boston, which is hourly expected.⁵

³ John Pierce.

⁴ See nos. 448, 450, 452, 455, *ante*, no. 460, *post*.

⁵ See no. 470, *post*. The letter is unsigned, but the delegates were Scott and Floyd.

P. S. Mr. Scott begs Leave to remind your Excellency, that he wishes, if it is the Intention of the Legislature that his attendance in Congress should be of any considerable duration that the Supply of Cash mentioned in his Letter to you may be spee[ded].

The Concurrent Resolutions of the Senate and Assembly Respecting Colo. Van Schaicks supercedure was laid before Congress before Mr. Scott arrived But as they Could not be prevailed on to do any thing in his favour at that time we Intend as soon as the Secretary at War arrives from Boston to see whether we Cannot get him to Report Something that will do him Justice.⁶

458. THE MARYLAND DELEGATES TO THE GOVERNOR OF MARYLAND
(THOMAS SIM LEE).¹

PHILADELPHIA March 12th: 1782.

Sir,

We are this day honored with yours of the 5th Instant inclosing a Copy of yours to the President of the 28th Ult: the Original of which was referred to the Secretary of War.

We are informed by the Assistant that he has informed your Excellency and the Council of what can at present be done. We shall do everything in our power to obtain what our State requires.²

459. THE VIRGINIA DELEGATES TO THE GOVERNOR OF VIRGINIA
(BENJAMIN HARRISON).¹

S'r,

We are honoured with your favors of the 22d ult. and 1st instant the last covering a resolution of the House of Delegates of the 5th of January last which we had before received and lodged along with the Superintend't of Finance. We cannot at present return a full answer to your request respecting the supply of Beef required from Virga. for the Southern Army. It is probable we shall be able to do it by Mr. Randolph, who will set off in a few days for Virga.²

PHILA: 12th Mar: 1782.

⁶ This appended paragraph is in the writing of William Floyd. See no. 434, *ante*, no. 470, *post*.

[458]¹ Md. Hist. Soc., LXXXVII. 333 (signed by Hanson and Carroll).

² The letter to the President of Congress, Jan. 28, is in *Arch. of Md.*, XLVIII. 59, and is an urgent request for a supply of clothing for the Maryland troops. The letter to the delegates Mar. 5 (*ibid.*, p. 92) encloses a copy of the letter to the President and reiterates the request.

[459]¹ Va. State Lib., Executive Papers (signed by Madison and Jones); *Cal. Va. State Papers*, III. 96.

² See no. 442, *ante*, no. 464, *post*. Harrison's letter of Mar. 1 is in *Official Letters*, III. 168. See also his letter to the President of Congress Mar. 29 (*ibid.*, p. 185).

460. THE NEW YORK DELEGATES TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

PHILADELPHIA March 15th, 1782.

Dear Sir,

Tho we had the Honor of writing to You by the last Post, yet we thought it our duty to suggest to the Legislature thro' your Excellency the thought which has occurred to Us of reducing to a voluntary Submission to the authority of Govt. the deluded Inhabitants between Hudsons River and the 20 Mile Line. . . . We therefore beg leave to recommend it to the consideration of the Legislature whether sound Policy does not at this Juncture dictate the Expediency of passing an act of Oblivion in their favour with a limitation of time within which they shall be required to take the Oath of allegiance to the State to entitle them to the Benefit of the act. We feel the more desirous that this conciliatory Method should be adopted because We find it wished for by those States in congress who warmly espouse our cause. Our Situation we conceive to [be too] critical to permit our disappointing the expectations of those Friends, by whose attachment to the Rights of our State the report in favour of the Grants was prevented from taking Effect; and we are persuaded that the Proposed lenient Step on our part will be extremely agreeable to them.² . . .

461. WILLIAM ELLERY TO ——. ¹

PHIL. March 17th 1782.

D'r Sir,

Immediately upon the receipt of your letter inclosing Genl. Roberdeau's certificate and bills, he wrote you a letter acknowledging the receipt thereof; and upon the same sheet I gave you a line referring thereto, and assuring you that I would do every thing in my power to procure the payment of your loan-office account etc. etc.

I accordingly made an extract from your letter of that part which respected that matter, and laid it before the Comm'ee of the week; but finding they would report that it should lay on the table, I took it back, and laid it before the Superintendant of Finance; who told me that he would write to you on the Subject of it. Whether any addition will be made to the pay of the Keepers of the Loan-Offices I cannot determine; but as it is the design of the Superintendant of Finance that those appointments should be abolished as soon as it can be done with propriety, I believe none will be made. You will most certainly be paid what is due and may become due to you from the public; but perhaps not so soon as you may wish.² . . .

[460]¹ N. Y. State Lib., Clinton Papers, no. 4390 (in the writing of Scott, with the signatures of Scott and Floyd); N. Y. Hist. Soc., Duane Papers, V. 422 (draft, in Scott's writing); Harvard Univ. Lib., Sparks MSS., XII. 211.

² See nos. 448, 450, 452, 455, 457, *ante*, 463, 465, 469, 470, 472, 476, *post*.

[461]¹ Library of Congress, Cont. Cong., Misc., portfolio 103.

² See the reports of a committee (Clark, Howell, and Benjamin Huntington) July 8, 12 (*Journals*, pp. 376, 384).

462. JAMES MADISON TO THOMAS JEFFERSON.¹

PHILADA. March 18th 1782.

Dear Sir,

. . . . Congress have taken no step in the business of the Western territory since the report of the Committee of which I have already given you an account, and which we hear arrived at Richmond on the day of the adjournment of the assembly. We wish it to undergo their consideration, and to receive their instructions, before we again move in it. Mr. Randolph by whom this goes, will probably be present at the May Session and will be possessed of every information that may be necessary. I refer you to the interview with him which I hope that occasion will afford you for other congressional intelligence.²

463. SAMUEL LIVERMORE TO THE PRESIDENT OF NEW HAMPSHIRE
(MESHECH WEARE).¹

PHILADELPHIA March 19th, 1782.

Dear Sir,

Your letter abt. the quota and the five million, has been read and committed to a Committee.² I find it will be *violently* as well as *unreasonably opposed*. I have not proceeded so fast, as I should have done for want of certain members of Congress now absent, but which will soon be here, that I expect will be friendly. Is it possible that self interest should be able to blind so great and good men as members of Congress are? I shall do my utmost however to get justice done. Tis said Charlestown is evacu[a]ted—doubtfull—Be that as it will: The debates in the British parliam't and success of the French in the west indies are much in our favour.³

Now for a word about Vermont, If we should extend west of the river to the ridge of mountains, it must be done with the good will of the people living between the river and those mountains otherwise the acquisition would cost N. H. more than it is worth. Now if that district wish to joyn us, as has been often hinted, and as has been undoubtedly the case heretofore, It would be very agreeable; and easy to accomplish. I suppose the legislature of N Y would gladly settle with the legislature of N H. without the intervention of Congress a line on the ridge of

[462]¹ Library of Congress, Madison Papers, Ac. 1081; *Writings*, I. 179 (part); *Papers*, I. 115.

² To Pendleton, Madison wrote Mar. 19: "Mr. Randolph set off this morning and will probably reach you nearly as soon as this. I leave it to him to make known other Particulars" (Madison Papers, Ac. 1081). A preceding passage of the letter is found in *Writings*, I. 181. The letter from the delegates to the governor, dated Mar. 19 (no. 464, *post*), says that Randolph left "yesterday".

[463]¹ Mass. Hist. Soc., C 81 B 71.

² See no. 455, *ante*.

³ Boudinot wrote to Lewis Pintard Mar. 19: "We have had various arrivals here from Europe and America. Our Affairs the other side of the Water appear very flattering and have reason to hope for the best. No prospect of Peace. Britain is very stomachful, and will die hard. They are greatly divided in that unhappy Island and I believe will remain so." Hist. Soc. of Pa., Boudinot Papers, II. 97.

mountains as a boundary line between N. H. and N. Y. and if the people on the east of the mountains approve of it This would throw us into a state of perfect tranquility. Let N Y settle with the people west of the mountains as they can agree, it would not concern us.

But on the other hand if the people between Connecticut river and the mountains are against us, and choose rather to divide by the river, let us make ourselves easy without them. I think it is in the power of the people west of the river east of the mountains to turn the scale for their own benefit and ours. We have been taking pains to serve them as well as ourselves. They will never be allowd east of the river, nor N H west of the mountains. Nature sets the mountains for the boundary: And if Vermont shd. be annihilated or rather disallowd as a state N. Y. will have a share of it, that is, the part west of the mountains.⁴

464. THE VIRGINIA DELEGATES TO THE GOVERNOR OF VIRGINIA
(BENJAMIN HARRISON).¹

PHILADELPHIA March 19th, 1782.

Sir,

The Motion we made for Congress to accept the Beef, that might be supplied by the State for the southern Army above her former quota of that article, in discount for its value in the last Quota, is referd to the Superintendant of Finance, who has not yet reported upon it.² If our accounts are true, touching the evacuation of Charlestown, which is said to have taken place on the 24th ult. it will hardly be an object for us to press, considering the precedent it will establish. . . .

Our Colleague Mr. Randolph, who left this place for Richmond yesterday, will give you a more particular account of the contents of our latest Dispatches, and of the proceedings here, than it is proper for us to commit to Paper.³

⁴ See no. 460, *ante*.

[464]¹ Va. State Lib., Executive Papers (signed by Madison, Jones, and Lee); *Cal. Va. State Papers*, III. 103.

² See nos. 442, 459, *ante*. The motion referred to is in the *Journals*, Mar. 15. The delegates wrote to Governor Harrison Mar. 26: "The Superintendent of Finance informs us, that he has sent a proposition to our Executive which he conceives will answer the object of our motion relative to the supply of Beef" (*Cal. Va. State Papers*, III. 111). See Harrison to Robert Morris Mar. 27 (*Official Letters*, III. 184), replying to Morris's letter of Feb. 26; also his letter to the President of Congress Mar. 29 (*ibid.*, p. 185), which was read in Congress Apr. 8.

³ See the *Journals*, Mar. 21, where is inserted by the editor an undated motion of Madison, seconded by Jones, respecting Jay's negotiations as related by him in his letter of Oct. 3 (Wharton, *Rev. Dipl. Corr.*, IV. 738). This same motion appears regularly recorded in the *Journals* under Apr. 30, as an adopted resolution. The *Journals* do not record definitely the date when Jay's letter was received, but in a letter to Randolph May 7 (?), no. 498, *post*, Madison mentions that it was received "the day preceding your departure". The present letter appears to fix Randolph's departure as on the 18th (see however no. 462, note 2, *ante*), therefore Jay's letter was probably received on the 17th. Cf. the report, drawn by Madison, in the *Journals*, Mar. 20. See also nos. 480, 495, 498, 505, 572, *post*.

465. JOSEPH JONES TO EDMUND PENDLETON.¹

PHILA: 19th Mar: 1782.

D'r S'r,

I know not whether it is my turn regularly to answer you this week or not as your Letter was to Mr. Madison,² but be that as it may I shall take the liberty of troubling you with a Letter. The claims of the people of Vermont still remain unsettled, and a change must take place in the opinion of some States, before they can be acknowledged independent and admitted into the Union, even upon the supposition that the consent of nine States is sufficient for the purpose. the fair construction, however, of the confederation seems to require the assent of the whole. the sense of Congress cannot be long delayed on this business, if it be true what we are lately told, that the people of that Territory have dissolved their Union with what is called the wings, that is, encroachments upon the States of N. York and N. Hampshire witho't the original demands of those people, and which by resolutions of Congress of the 20th of Augt. last they were required as a preliminary to their Independence and admission into the union of the States to relinquish. this proposition they at first rejected, but it seems they have since relented, if our information is true. their refusal however is considered by many as an absolution of Congress from the terms then offered and left that Body at full liberty thereafter to abide by or depart from those terms. motives of policy dictated the measure in August but circumstances have since changed and what appeared to be necessary then, is not now so pressing. In short, incidents have happened since that period wch so strongly mark a hostile disposition in some States to invade the rights of others, that, I believe, it will be very difficult to obtain the concurrence of nine to give them independence and privileges of the Union, at least before some great political questions are decided respecting the united States, their individual and general rights.³

In your Letter last week to Mr. Madison you seem not to approve our assuming any other rule of proportion in the settlem't of the public accounts than what has been already taken and that it wo'd be better to examine the accounts and let them lie over for final settlement according to the Confederation. You go upon the supposition that the proposed settlement is not to be final, wherein lies your mistake. It is intended to make a final settlem't of past expenditure between the individual States and the united States and between Individuals in the States and the U. States to the 1st of January last. These transactions laying as it were in a chaotic state, the doubts and jealousies entertained that Congress had no serious design to bring them to settlement, and the relaxation and langour prevailing in consequence of opinions taken up that each had done more than its proportion, rendered it indispensably necessary to bring all these matters to a close. a plan was therefore proposed by the

[465]¹ N. Y. Pub. Lib., Misc. MSS., Jones.² Pendleton's letter to Madison here referred to is doubtless that of Feb. 25, in Mass. Hist. Soc., *Proceedings*, XIX. 147.³ See no. 460, note 2, *ante*.

financier wch being considered and amended was at length agreed to by Congress.⁴ The outline of which is for the States to authorize Congress to assume such principles for determining the quota of the respective States as from a consideration of all circumstances sho'd appear just and equitable, having regard to the abilities of the States from time to time in consequence of the ravages of War. the States are required to furnish the best information to enable Congress to adopt an equitable rule, a Commissioner is to be appointed for each State (not a Citizen of the State) to settle the accounts according to such rules as have been or shall be laid down by Congress, the accounts so settled to be final and conclusive to the above period. Where such confusion exists as in our past expenditures and such a variety of interest were necessary to be combined, it was very difficult to digest any mode likely to give satisfaction and content. perhaps the one proposed is as free from objection as any that could be devised and if approved by the States will ultimately produce very beneficial consequences. . . .

466. THE MASSACHUSETTS DELEGATES TO JOHN AVERY.¹

PHILADELPHIA March 26th 1782.

Sir,

Yesterday we received your favour, covering a Resolution of the Genl. Assembly of the 6 instant, directing their Delegates to solicit Congress to adopt speedy and effectual measures for the release of American Prisoners.

Congress have not been inattentive to the Distresses of our Seamen who are in the power of the Enemy, and have directed Letters to be wrote to S'r Henry Clinton remonstrating against his conduct towards them; and we have now Commissioners gone to Elizabethtown, who are directed, among other things, to endeavour to obtain an enlargement or at least a better treatment of our people who are prisoners with the Enemy.² Letters have also been wrote to our Ministers in Europe, on the same subject. If these measures do not answer our purpose, Congress will, I trust, make such Retaliation as will force the Enemy to a more humane conduct. . . .

467. SAMUEL LIVERMORE TO THE PRESIDENT OF NEW HAMPSHIRE
(MESHECH WEARE).¹

PHILADELPHIA, 26th March, 1782.

Dear Sir,

I have recd. your favour of the 12th instant informing me that Vermont had receded from their late encroachments. I had heard this frequently

⁴ See the *Journals*, Feb. 20; cf. nos. 423, 430, 438, 446, *ante*.

[466]¹ Mass. Arch., CCIV. 81 (signed "Geo Partridge In behalf of the Delegates").

² See Washington's letter to Congress Feb. 18 (*Writings*, ed. Ford, IX. 443, ed. Sparks, VIII. 239). On the same day Congress authorized Washington to negotiate a cartel (see the *Journals*, Feb. 23), and on Mar. 11 Gen. Henry Knox and Gouverneur Morris were appointed commissioners for the purpose. The meeting with the British commissioners at Elizabethtown, N. J., was set for Mar. 28. The negotiations came to an end Apr. 19, and Knox and Morris reported the proceedings to Washington Apr. 21 and 22. The numerous papers pertaining to the negotiations are in the Washington Papers. Cf. no. 479, *post*, also the *Journals*, Apr. 29, Aug. 3, Sept. 18, 1781.

[467]¹ *N. H. State Papers*, X. 484.

by common report; but there is no official account of it in Congress. The Com'tee upon your letter about the 5 million dollars and quota of the 8 million have made a report plumply against us.²

I have got a day assigned for debate which is next Monday. As I suppose we shall soon hear from Vermont in a manner that will end that tedious business, I hope to see you in May. There is no news from Charlestown since my last.³ Gen. Washington is gone to North river.

468. JAMES MADISON TO THOMAS JEFFERSON.¹

PHILADELPHIA, March 26, 1782.

Dear Sir,

A letter has been lately received from you by the President of Congress, accompanied by a bundle of papers procured from the Cherokees by Colonel Campbell. As it appears that these papers were transmitted at the request of the late President, it is proper to apprize you that it was made without any written or verbal sanction, and even without the knowledge of Congress; and not improbably with a view of fishing for discoveries which may be subservient to the aggressions meditated on the territorial rights of Virginia. It would have been unnecessary to trouble you with this, had it not appeared that Colonel Campbell has given a promise of other papers; which if he should fulfil, and the papers contain any thing which the adversaries of Virginia may make an ill use of, you will not suffer any respect for the acts of Congress to induce you to forward hither.²

469. JOHN MORIN SCOTT TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

PHILADELPHIA March 27th, 1782.

Dear Sir,

Having as We heretofore informed You, defeated the Attempt to saddle our State with the Report a Copy of which We some Time since had the Honor to inclose You, Matters now remain open for something to be done, on our part. For this purpose We are anxiously waiting for the Result of the Legislative deliberations of our State on so interesting a Subject, to serve as a Guide to our Steps. Our Opponents in Congress are now lying *perdu*, waiting a Change in the Representation of the South-

² See the *Journals*, Apr. 1, and no. 455, *ante*, nos. 478, 483, *post*.

³ Oliver Wolcott wrote to Mrs. Wolcott the same day: "I think it not improbable that the Enemy will before long evacuate Charlestown and bring that Garrison to N York." Respecting the time of his probable return to Connecticut Wolcott remarks: "I think that the Gentlemen who are to attend the next Summer will not be here before the latter end of April. I have desired them to be here earlier but do not by what I hear from them expect them sooner" (Conn. Hist. Soc., Wolcott Papers, III. 64). See no. 477, note 2, *post*.

[468]¹ *Writings of Madison*, I. 181; *Papers*, I. 116.

² No mention of Jefferson's letter or the receipt of these papers appears in the *Journals*. In the letter from the delegates to Governor Nelson Sept. 4, 1781 (passage omitted from no. 293, *ante*), is a request for a copy of the treaty between Colonel Christian and the Cherokees in 1775.

[469]¹ N. Y. State Lib., Clinton Papers, no. 4404.

ern States, which will soon happen, and We know not but to our disadvantages. I have prepared a set of Resolutions turning on general Principles, and in themselves almost self evident, calculated to stand as a Barrier agt. the next attempt in favor of the Grants, and which I shall move as soon, as I can, after having waited a few days longer for some official Tidings from the State ²

We have had several strange Manoeuvres for the promoting of General Knox to the Rank of Major General which have at Length succeeded. By this Step Brigadiers Clinton, Moultrie and McIntosh (his Seniors in Office) are disgraced. I was one of the strenuous opposers to this Promotion; the Particular Movements for and against which You will clearly see, and discover the Tempers of the several Members on the Occasion, from the *Journals*, a Copy of which, if the Mail does not close too soon I will here inclose You; otherwise I shall send it by the next Opportunity. I am as sensible as any Man living of General Knox's Merit. But in my Opinion no Merit whatsoever can justify the Promotion of one officer in a Way that disgraces another. It is a Measure unjust in itself. It is moreover highly impolitic as it gives general Uneasiness to the Army. In this Case there are three Brigadiers disgraced, and probably three States affronted. But General Knox, it is said, at the Promotion of Brigadier Deportail over his Head was greatly disoblged, and would have retired from the Service had he not been promoted, That his Services cannot be dispensed with, That his promotion therefore became indispensable. All this may be true; but his Promotion however necessary should have been attended with the like Promotion of his Seniors who, as there are already a Surplus of Majors General, might have been honorable retired or been laid aside on half pay.³

470. THE NEW YORK DELEGATES TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

[March 29, 1782.]

. . . . Having foiled our adversaries in the attempt to carry into Execution the Report of the Committee of ² last to establish the Independence of the Grants within the bounds therein limited we most impatiently wait for the Concurrent Resolutions of our Legislature. For tho' nothing has since been attempted agt. us; yet we know their Advocates only wait for a Change of Members to renew the attempt. This Change will shortly happen. We therefore wish for those Resolutions and every Conciliatory Step of our Legislature that we may anticipate the renewal of the Subject.

In a Conference with the Secretary at War he advised that the State should exercise the authority reserved to them in the Articles of Con-

² See nos. 460, 463, 465, *ante*, 470, 472, 476, *post*.

³ See the *Journals*, Jan. 9, Feb. 28, Mar. 22, also no. 470, *post*.

[470]¹ N. Y. Hist. Soc., Duane Papers, V. 429 (draft, in Scott's writing; endorsed by him, "29th March 1782"); Harvard Univ. Lib., Sparks MSS., XII. 214.

² The reference is to the report in the *Journals*, Mar. 1. With regard to the date of its presentation see nos. 443 (note 3), 452 (note 2), *ante*.

federation by appointing Col. Willet to his former Continental Rank, which he said had been done in other Instances, and assured us that on being certified of this, he will do every Thing necessary on his part, and will by Letter to the Comm'r in Chief (which he flatters himself will take Effect) endeavor to have the Command on our Frontiers so arranged, if it be requested by our Governm't, that Col. Willet shall have no superior but a General Officer in that department of Service.³

Col. Vanschaick's affair is also in good Train with the Secry. He considers him and several other Officers as greatly injured by the Promotion of General Hazen; and tho' he does not much like Brevets, he thinks it in the present Instance but a just Expedient to restore the Colonel to his Rank. Those he says are his present Sentiments, that Congress should either thus reinstate him, which can be done without any Expence to the Public; or permit him to retire on the expected Emoluments. This latter however we think would be a precarious dependence; because several of the States are determined agt. an half pay establishment; we shall therefore endeavor very shortly to obtain his matured Sentiments on the former, and should they be in its favor, we will move it in Congress. In the Interim we should be glad to be informed whether, if we should not succeed, the Colonel would wish to risk retiring on half pay.⁴

We inclose a Copy of the Journals of [March 22] on the Subject of Promotion to the Rank of Major General. They speak plainly for themselves; and therefore need no Comment. We wish General Clinton may be immediately informed of them. Brigadiers Moultrie and McIntosh who are both on the Spot are much mortified by the Preference they exhibit. They mean speedily as we are informed to signify it to Congress. We think they may be prevailed on to suspend this Step for a short Time; and should General Clinton Incline to make common Cause with them, we wish to be furnished by him without delay with the Means of doing it. a Memorial from him to Congress on the Subject may perhaps be proper.⁵

The new Commissioners from the Grants are arrived and their Accession to the Terms of August last is known, tho' not announced to Congress. It has leaked out that the Changes in that Country are favorable to Us; and that their Leaders are held in detestation. A Short Time will perhaps furnish Us with particulars which we shall not fail to communicate.⁶

471. THE VIRGINIA DELEGATES TO THE SECRETARY AT WAR
(BENJAMIN LINCOLN).¹

Sir,

IN CONGRESS April 1st, 1782.

The success of recruiting in Virginia will very much depend on the State having Arms and Cloathing for the Men that may be raisd. We

³ See no. 457, *ante*.

⁴ See nos. 428, 434, 457, *ante*, and the *Journals*, May 21.

⁵ See no. 469, *ante*.

⁶ See no. 472, *post*.

[471]¹ Va. State Lib., Executive Papers (copy); *Cal. Va. State Papers*, III. 116.

therefore beg you will inform us, what supply of these Articles the State may depend upon from your department.²

472. JOHN MORIN SCOTT TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

PHILADELPHIA March [April] 2d 1782.

Dear Sir,

I am this Moment come from a most animated debate in Congress; which produced an hasty adjournment; and *that* will probably produce a still more animated debate to morrow. The Subject was this—Yesterday were laid upon the Table and read a Letter from the new Commissioners from the Grants to the President of Congress with a duplicate Commission to them and the Resolutions of the Pretended Legislature of the Grants releasing and relinquishing their Eastern and Western Wings in the Terms prescribed by the Resolutions of Congress of August last. On reading the Letter a Motion was made that the said Letter and papers together with every other paper which had been recd. by Congress Since the 20th Augt. last on this Subject should be committed. Upon this Question the Yeas and Nays were called for by Me; and the Question was carried for the Affirmative. A Committee of five was moved for and carried. And to the dishonor of the Majority four Members were balloted in, who have been avowed favourers, and I may say open Supporters of the Claim of independence by the People of the Grants, and one New Hampshire Delegate—All this with evident design to exclude New York and the Southern States from the Committee. This sinister purpose I mean to endeavor to elude by endeavoring to get the Committee enlarged to a Grand Committee to consist of a Member from each State. But to return to the Subject of this day's debate. On reading the Journals of yesterday pursuant to a standing Rule of the House they were found defective in this Instance to wit; that tho' they contained a recital of the Letter from the Commiss'rs yet no other papers referred to by the Motion and resolution were entered on the Journals, Which we contended, as the Motion and resolution were founded not on oral but written Matters and the Yeas and Nays were called for, ought to have been entered *in hac Verba*; and this Diminution of the Journals was the Ground of the debate. I had these Reasons for insisting on the Insertion of all the Papers referred to, to wit; the abovementioned Letter asserts that the State of

² Lincoln's reply (appended to this letter), dated Apr. 1 and addressed to "The Hon'ble Jos. Jones, J. Madison, A. Lee, Esq'rs" (the writers of this letter), is as follows:

"I have this morning, Gentlemen, been honord with your favor of this date; intimating your wish, to be informd what supply of Arms and Clothing the State may depend on from the War department.

"On the 1st Sepr. last Congress took upon themselves the whole business of clothing the Army and made provision accordingly. As soon as the State of Virginia shall fix on a place of general rendezvous from which Recruits shall march to join the Army; an Officer of rank will be appointed to attend that post, to receive and forward them, to whom Clothing and Arms will be sent, on his return, from time to time, sufficient fully to clothe and equip the Troops."

See further the delegation letter of Apr. 2 (*Cal. Va. State Papers*, III. 117).

[472]¹ N. Y. State Lib., Clinton Papers, no. 4372.

Vermont had in every instance endeavored strictly to conform with the Resolutions of Congress; while a Letter from Mr. Chittendon recd. by Congress since the 20th of Augt. last, and a Resolution of their Legislature inclosed therein, and which were omitted out of the Journals, contained an express Rejection of the Overtures made by Congress in Augt. last, By which not only the first abovementioned Letter was falsified, but the Rejection contained in the Second excluded the Grants from the Benefit of their after-Compliance with those Overtures. One of the papers omitted was the Concurrent Resolutions of our Legislature of October last, which have never yet been, and I wish now to have properly inserted in the Journals²—My Reason for supposing that to morrow's debate will be still more animated, is, that from the Want of Candor in our Opponents, I fear they will insist that it will be too late to morrow, to rectify the Journals.³ In short tho' there are a respectable Minority in Congress bent on aiming at securing Justice to our State; yet it is evidently the fixed and settled purpose of the Majority to sacrifice its Rights on the Altar of the Independence of Vermont. As Justice is not to be expected from this Quarter I hope the State will do Justice to itself. Be please[d] to excuse the Want of transcribing as I fear the Mail will be closed. And believe Me tho' in haste to be with not the less Sincerity and Esteem

Dear Governor

Your Excellency's most obedt humble Servt

JNO. MORIN SCOTT.

P. S. Please present my Compliments to Col. Varick and inform him I bro't his Affair before the Committee of the Week this day⁴

473. JAMES MADISON TO EDMUND PENDLETON.¹

PHILADA. April 2d, 1782.

Dear Sir,

The only event with which the period since my last has enabled me to repay your favor of the 25th ulto.² is the arrival of four Deputies from

² The *Journals* contain no record of a meeting of Congress on Tuesday, Apr. 2. As mentioned by Scott, the letter from the new Vermont commissioners was laid before Congress Apr. 1, and a motion (by Clark of New Jersey, seconded by Scott) to refer the papers to a committee was carried. Scott and his colleague Floyd are both recorded as voting against the commitment. The members of the committee are not there named, but its composition is shown in connection with its report Apr. 17—Clymer, Carroll, Clark, Livermore, and Law. See nos. 469, 470, *ante*. The letter from the Vermont commissioners to the President of Congress, Mar. 31, is in *Vermont Recs.*, II. 386; their commission, signed by Thomas Chittenden, Mar. 13, is *ibid.*, p. 385.

³ See the *Journals*, Apr. 3, 4, 17, 20, May 21, and nos. 473, 476, 479, 482, 483, 485, 486, 488, 489, *post*.

⁴ An undated report on Varick's memorial is placed in the *Journals* under Mar. 26 (p. 152). The report appears to be in the writing of Noble Wimberly Jones, who was on the committee for the week beginning Mar. 25, but not for the week beginning Apr. 1. If therefore the matter was not laid before the committee of the week until Apr. 2, there is no apparent reason why the report should have been written by Jones.

[473]¹ Library of Congress, Madison Papers, Ac. 1081; *Writings*, I. 184; *Papers*, I. 116.

² Madison doubtless refers to Pendleton's letter of Feb. 25 (Mass. Hist. Soc., *Proceedings*, second ser., XIX. 147). Pendleton replied to this letter of Madison Apr. 15 (*ibid.*, p. 149).

Verm't, with a plenipotentiary commission to accede to the confederacy. The business is referred to a Committee who are sufficiently devoted to the policy of gaining the Vote of Vermont into Congress. The result will be the subject of a future letter.³

474. ARTHUR LEE TO JAMES WARREN.¹

PHILADELPHIA, April 8th, 1782.²

Dear Sir,

. . . . The detection of Mr. Deane, seems not to have drawn any punishment nor even odium on those who countenanced and profited by his wickedness. Among these Dr. Franklin and Mr. R. Morris, are the most conspicuous. The latter was oblig'd to acknowledge in the Newspapers that he was in partnership with Mr. D[eane] but pretended he thought him a man of honor. The Doctor by Letters of the strongest recommendation endeavor'd to deceive Congress into a renewal of their confidence in him, with a new and important appointment. There are Letters in town from Mr. Searle, late member of Congress, declaring that he has been repeatedly scandaliz'd by hearing Mr. Deane utter the abuse against America and France, which is contain'd in his intercepted Letters, at Dr. F[ranklin]'s table, without any reprehension from the Doctor. Under all these suspicions, Dr. Franklin is appointed one of the Commissioners to negotiate a peace, because France wills it; and Congress are complaisant enough to say they trust in his zeal and integrity. God forgive them!

The Fishery, I am afraid, is the object and will be the sacrifice of this appointment. This question will come on in Congress, and I think your ablest members shoud be here. But Instructions from Congress will avail little, if a corrupt Commissioner is entrusted with them, who certainly never meaning to return to this Country, will feel himself very easy about our reproaches, while he is enjoying in France the reward of his Treachery. I know from what passed at the Treaties we concluded, that to monopolize the Fishery is the object of France, and I am most sure that Dr. Franklin will be the instrument of effecting it.

The Members from your State, and from Connecticut, seem desirous of admitting Vermont into the Confederation; but it appears very doubtful, whether this can be done agreeable to the Confederation or consistent with true policy. The small States, upon this precedent, may dismember the great ones; or as they have an equal voice in proportioning the Quotas, may combine together to burthen the larger States with the whole expence. To acknowledge their independence without giving them a voice in Con-

³ See no. 472, *ante*. The "future letter" is no doubt that of Apr. 23 (no. 489, *post*).
[474]¹ *Warren-Adams Letters*, II. 171.

² Madison wrote to Randolph, in a postscript to a letter of Apr. 9: "Col Carington will not fulfill his intentions in setting off for Virga. Doc'r Lee will set off in 5 or 6 days and I shall accept (?) that conveyance for the proposed *report*. Mr. Jones will [follow] the Doc'r abt. the last of this month. I hope you will allow due weight to these considerations in deciding on the time of your return." Library of Congress, Madison Papers, Ac. 1081.

gress woud answer I conceive every purpose of attaching them to our cause, without hazarding our union by admitting them a Member of the confederation.³

475. THE SECRETARY OF CONGRESS TO THE PRESIDENT OF PENNSYLVANIA (WILLIAM MOORE).¹

Sir,

The enclosed intelligence was communicated to Congress on Monday last. For your farther information respecting the channel of Intelligence I beg leave to send you a letter I received on Sunday from Mr. L. Weiss. It is the desire of Congress that your excellency and the hon'ble Council would be pleased to cause enquiry to be made into this matter.²

April 9, 1782.

476. JOHN MORIN SCOTT TO THE GOVERNOR OF NEW YORK (GEORGE CLINTON).¹

PHILADELPHIA April 9th, 1782.

Dear Govr.,

The Want of more frequent Acco'ts from Gentlemen in public Character in our State is Matter of great Anxiety to Colonel Floyd and myself. His Cash being exhausted he intends to return next Week, as I, for the like Cause, shall be obliged to do in a few days after,² And it will be with the greatest Reluctance. To leave the State at this critical Juncture unrepresented is truly distressing. It will give great Pleasure to a prevailing Party in Congress; but it cannot probably be avoided. From the known disposition of the Members to whom the acquiescence of the Grants to the Overtures of Congress of Augt. last was referred I expect a Report de-

³ See nos. 465, 469, 470, *ante*, 476, 478, 485, *post*. Pierce Butler wrote from Philadelphia Apr. 5 to James Iredell of North Carolina:

"So greatly altered is this *once august body* [Congress], that as little as possible is intrusted to them. And yet, among them are many individuals of the strictest honor, and great worth; but, as a *body*, there is little dependence to be placed on them. The *Northern interest* is all prevalent; their members are *firmly united*, and carry many measures disadvantageous to the *Southern interest*. They are laboring hard to get *Vermont established as an independent State*, which will give them *another vote*, by which the balance will be quite destroyed. In the midst of these great struggles between the Northern and Southern interests, the *issue of which is of such consequence to the Carolinas and Georgia*, your State remains *totally unrepresented*. *Unpardonable neglect!* We of the South, who consider ourselves as embarked in the same vessel with you, complain loudly of the desertion of our sister. *This Vermont business is a shameful and scandalous affair*. Governor Clinton, of the State of New York, by a *meritorious vigilance*, has intercepted letters and papers that reflect no credit on some individuals of Congress. *I believe it is beyond a doubt that Witherspoon and some others have received large tracts of land, at least grants of them, from the Vermonters, to support their claim in Congress*. Some inhabitants of this town, it is said, and generally believed, are concerned in encouraging the Vermonters to support their claim, *even by arms*." McRee, *Life of Iredell*, II. 9.

[475]¹ *Pa. Arch.*, first ser., IX. 523.

² The intelligence referred to was information of a massacre of Indians in February by a party of whites at Muskingum. See *Pa. Arch.*, first ser., IX. 523-526. The *Journals* contain no mention of the matter.

[476]¹ N. Y. State Lib., Clinton Papers, no. 4434.

² See no. 457, *ante*.

claring that the Grants have complied with those Overtures, and recommending the Reception of their Delegates, now on the Spot, into Congress. Should this Event take place, there is the highest reason to fear that the Overtures our State have in Contemplation with those People will be rejected; that they will immediately receive open Countenance and Support from the New England States; and that Congress will not only abandon Us; but probably reprobate, and perhaps author[it]atively interpose, to prevent our doing ourselves Justice.

I have the Honor to inclose to your Excellency Extracts from the Journals on the Receipt of the dispatches from the Grants. The Subject took up three or four days in warm debate. Our friends of whom You have already been informed exerted great Energy in our Behalf. This You will see from the Extracts; which is exclusive of the animated part they took with Us throughout the whole debates. Thro' those they facilitated our Triumph, with which those Extracts are clearly marked.³

477. SAMUEL OSGOOD TO SAMUEL HOLTEN.¹

PHILADELPHIA April 15th, 1782.

Dear Sir,

You will excuse a very short Letter this Time: for as our Friend Mr. Lovell will be the Bearer of it and probably find you in Boston he will be able to inform you of every Occurrence this Way. perhaps you may be surprised when you hear that he has left Congress to return no more. I however think his Motives are Justifiable considering the Situation of his Family.² Mr. Partridge intends returning in May. I shall be happy if the State is represented so that I can leave this Place in June. . . .

478. SAMUEL LIVERMORE TO THE PRESIDENT OF NEW HAMPSHIRE
(MESHECH WEARE).¹

PHILADA. 16th Ap'l 1782.

Dear Sir,

Enclosed is a copy of a (wise) report drawn by a com'tee on the affair of our quota. This wisdom you may be assured I used my utmost efforts

³ See the *Journals*, Apr. 1, 3, 4; also no. 472, *ante*.

[477]¹ Hist. Soc. of Pa., Gratz Coll., M. O. C.

² Lovell had obtained leave of absence Jan. 23 and resumed his seat Apr. 3. On Apr. 15 he again obtained leave of absence, in this instance with a purpose not to return. He was the bearer also of a letter from Oliver Wolcott to Mrs. Wolcott of the same date, chiefly relating to the Connecticut delegation (Conn. Hist. Soc., Wolcott Papers, II. 95). From the northern border of New Jersey he wrote to Robert R. Livingston (the letter is dated "Ringwood Iron Works, at Leisure in a Storm April 19, 82") concerning the results of his labors in deciphering an intercepted letter that had been put into his hands before he left Philadelphia. On previous occasions he had served as decipherer extraordinary to Congress as well as the purveyor of a type of cipher which had been used to a considerable extent in diplomatic and other correspondence (see, for instance, no. 166, *ante*). His letter to Livingston, together with some pages of his work in deciphering the intercepted letter, is in Papers Cont. Cong., no. 51, vol. II., f. 221. Other parts of these same materials are *ibid.*, no. 51, vol. I., f. 759.

[478]¹ Mass. Hist. Soc., C 81 B 72; Library of Congress, Force Trans., N. H. Recs., Council Corr.

to oppose because it is the wisdom of this world, and savours of the mammon of unrighteousness. It was largely debated. I made a motion to postpone the report to introduce the following resolution, *viz*, That 66512 dollars be deducted from the quota of New Hampshire, it appearing said state was overrated that sum. I call'd the yeas and nays, but it was determined against me. You wd have been diverted to have heard the many wise tho very different reasons given against making the deduction. The principal and most oratorical reasoning was this, that the 8 mil'n dollars wd be thereby diminished, unless whatever should be deducted could be add'd to the quota of some other state: and no state was willing to take it. I have seen a debate in a genl. Court (to compare small things with great) when a town has applied to get part of its tax taken of, not unlike the present.

The affair is not yet settled. Whether the report will be recd. or undergo some alterations or be totally rejected I know not. I intend to act my part properly, if I can.² Vermont is not yet settled.³ As soon as these two things are dispatched one way or another I shall resign my seat in congress to return home as my family and circumstances loudly call for me. The court no doubt will forward the new delegates as soon as they can. 'Tis probable I shall leave this place by the first of May.

479. THE RHODE ISLAND DELEGATES TO THE GOVERNOR OF
RHODE ISLAND (WILLIAM GREENE).¹

PHILADELPHIA Ap'l 16th, 1782.

Sir,

. . . . The principal matter which hath lately come before us is an Act of the State of Vermont, complying with the resolutions of Congress of August last, and appointing delegates to represent them in that body. It and other papers relative to Vermont were and stand committed. What the final result will be we cannot undertake to say. Some States will oppose their being admitted into the federal union because it might affect the balance of power by throwing an additional weight into the eastern Scale; and because it might be a precedent for augmenting the number of the confederated States already too large.

They will be greatly embarrassed by the resolution of August; but they will endeavour to avoid the promise strongly implied in that resolution by opposing the former non compliance of the State of Vermont with the conditions on which that promise is founded, to their present compliance.² The report of a committee on cessions of Western lands to the United States, which is also a matter of importance, and which hath long laid upon the table, is this day taken up; but we believe will not be speedily determined.³

² See the *Journals*, Apr. 1, May 22; also nos. 456, 467, *ante*, and no. 483, *post*.

³ See nos. 472, 476, *ante*, the *Journals*, Apr. 17, and nos. 479, 483, 485, 488, *post*.

[479]¹ R. I. Arch., Letters to the Governors, 1781-1782, p. 89; Staples, *R. I. in Cont. Cong.*, p. 366.

² See no. 478, *ante*.

³ See the *Journals*, Apr. 16, 18, and nos. 480, 485-487, 489, 493, *post*.

Our Commissioners have met those appointed by the British for settling the terms of a cartel; but we know not how far they have proceeded in that business.

We have for some time past had under consideration measures for relieving the distresses of our seamen in captivity, but have waited for the result of the conference, in order to come to a determination.⁴ . . .

480. JAMES MADISON TO THOMAS JEFFERSON.¹

PHILADA. April 16th 1782.²

Dear Sir,

Your favor of the 24 of March with a letter inclosed for Mr. Marbois came to hand yesterday.³ I entreat that you will not suffer the chance of a speedy and final determination of the territorial question by Congress to affect your purpose of tracing the title of Virga. to her claims. It is in the first place very uncertain when a determination will take place, even if it takes place at all; and in the next it will assuredly not be a final one, unless Virga. means to be passive and silent under aggression on her rights. In every event therefore it is proper to be armed with every argument and document that can vindicate her title.⁴ . . .

481. EDWARD TELFAIR TO JAMES JACKSON.¹

PHILADELPHIA, 19th April, 1782.

Dear Sir,

I received the favor of your Letter by Colo. McMurphy² and am obliged to you for the information contained in it. The Capture of Cloth-

⁴ See no. 466, *ante*, the *Journals*, July 2 (p. 366 n.), and no. 556, *post*.

[480]¹ Library of Congress, Madison Papers, Ac. 1081; *Writings*, I. 186; *Papers*, I. 119.

² Some passages from a letter of Secretary Livingston to Jay, Apr. 16, relative to Jay's letter of Oct. 3, 1781, and the Spanish negotiations (see no. 464, note 3, *ante*), deserve to be quoted here:

"Returning from an excursion to the state of New York I found your Letter of Octr. which on account of my absense had been committed to a committee of Congress. They have shewn me the report—it will try their sentiments on a very interesting point if it goes thro' but as they may not suddenly come to a resolution and I have just heard of a vessel which will sail in two hours for Cadiz I avail myself of it to inform you that your conduct thro the whole of your negotiation has been particularly acceptable to congress. The condition you have annexed to the proposed session [*sic*] is extreamly well calculated to hasten the Spanish ministry and I think ought to be adhered to for unless some important advantage can be gained by it the claim with the means we have of enforcing it is too valuable to be relinquished. [*Here follow at some length his reasons.*]

"You will therefore persist in the line in which you now are declaring explicetly that the sessions you propose are only dictated by your desire to make early and vigorous efforts against the common enemy, that if they are not accepted so soon and upon such terms as to afford you a prospect of obtaining this desirable end you will not consider your offers as binding upon you. I am persuaded that in this I speak the sentiments of Congress and you may deliver them as such. Your never having spoke of the answer of France, Spain and G. B: to the proposals of the mediators makes me doubt whether you have seen them—that of Spain I have not seen. If I can get the others copied and cyphered before this vessel sails I will send them to you, if not I will enclose so much of the answer of France as relates to Spain. I see and you will see the use that may be made of it. . . ." N. Y. Pub. Lib., Misc. MSS., Livingston (draft, with an enciphered copy of the letter).

³ The letter to Madison is in Jefferson's *Writings*, III. 52.

⁴ There is a further discussion of the subject in this letter. See no. 429, *ante*, and Madison to Randolph Apr. 9 (*Writings*, I. 185); also nos. 487-489, *post*.

[481]¹ Haverford College, Roberts Coll., 732 (addressed, "Colo. James Jackson Augusta Georgia favored by Colo. McMurphy").

² Col. Daniel McMurphy.

ing on the one hand and the conduct of Capt. Gillian on the other has reduced Congress to great difficulties in this Article.³ At any rate it will be well for the State to appropriate *funds* towards her own internal support for it is not reasonable to expect much assistance from Congress at a time when the subject of requisitions from the States is one of her great objects and must continue so during the War. you have seen a little of this by being here, even in a time of the circulation of Paper Currency, and since the reduction of it, you may easily suggest additional difficulties.

482. ARTHUR LEE TO SAMUEL ADAMS.¹

PHILADELPHIA April 21, 1782.

My dear friend,

. . . . The Session of the Assembly of Virginia in May, calls me from Congress for a month or two to attend my duty there. Indeed I do not see of what material use my attendance here can be, where I can only lament what I cannot prevent, and make vain efforts to redeem an infatuated Majority from the bondage of folly and private interest.² For what can be expected from an Assembly in which a Member is allowed to sit, who is avowedly an Agent for the Enemies to our cause and Country, an Insolvent, and a profligate Adventurer. I mean Mr. Samuel Wharton.³ This Man, Sir, that in a Petition on the table of Congress declares himself insolvent, not only sits and votes, but treats the Members with magnificent Dinners. I am perfectly persuaded that it is the interest of the Companies which this Man is an Agent for and a member of to reduce us to the domination of G. Britain, because their Members being chiefly British and of great influence they would by that means be secure of obtaining the Lands which it is impossible they should do while we are independent. And as these Agents are using every art to seduce us and to sow dissension among the States, I think they are more dangerous than the Enemy's Arms. Every Motion relative to Vermont and the Cessions of the other States is directed by the interests of these Companies. I have in vain moved for a purifying declaration from each member that he is not concerned in them. The Motion was evaded by three days chicane, and remains undecided.⁴

As to Vermont, I am clear we have no power to admit them into the confederation, and I am doubtful of the policy of it, if the power were unquestionable. The small States are already combining to dismember the large Ones. The addition of another will be a dangerous accession, and the disposal of property in quotaing each being by Votes not by

³ See nos. 272, 274, 341, 344, *ante*; also the *Journals*, May 7, June 21, Sept. 18, Nov. 1.

[482]¹ N. Y. Pub. Lib., Samuel Adams Papers.

² Lee is recorded as voting on Saturday, Apr. 20, and does not again appear in the record until June 27.

³ A sketch of Samuel Wharton is in Wharton, *Rev. Dipl. Corr.*, I. 608, and in Appleton, *Cyclo. Am. Biog.*

⁴ Lee's motion is in the *Journals*, Apr. 18. The *Journals* contain no record of further debate Apr. 19 and 20, but as the question of the cessions came up on the 16th the three days may include the 16th and 17th. See nos. 479, 480, *ante*, 487-489, *post*.

interest, it will enable the small States to throw the whole burthen of the war upon the large Ones. But your Delegates do not think with me, which I lament. Sure I am that with the admission of this little State the confederation will end; its present inequality being as much as it can bear.⁵

483. SAMUEL LIVERMORE TO THE PRESIDENT OF NEW HAMPSHIRE
(MESHECH WEARE).¹

PHILADELPHIA April 22nd, 1782.

Dear Sir,

. . . . The affair of Vermont is put by for the present, and their agents are gone home.² The report concerning our quota of the 8 mil'n dollers is committed to another committee.³ I hope it will be well considered and set right. If that was got over, I should venture to resign my seat in congress; as there is great necessity of my paying a little attention to my own business.⁴

484. EDMUND RANDOLPH TO THE GOVERNOR OF VIRGINIA
(BENJAMIN HARRISON).¹

PETTUS'S April 22, 1782.

Sir,

I yesterday delivered to Mr. Webb the cypher, prepared for the correspondence between the executive and the delegates of Virginia in Congress. It is formed upon the principles of the French cypher, and may, I believe, be said to be inscrutable.²

I was instructed by my brethren in the delegation to obtain access to the entries of the council before the revolution. A report is prepared for congress in the form of an instruction to the ministers of the united states, who are to negotiate peace, in which the affair of western territory is pretty fully discussed. But we supposed, that the subject would receive considerable illustration, by consulting those entries.³ With the permission of the executive therefore I will collect such information from them, as applies to the present case. . . .

⁵ See the *Journals*, Apr. 17, 20, and nos. 476, 478, *ante*, 483, 487-489, *post*.

[483]¹ N. H. Hist. Soc., Weare Papers, X. 146.

² See the *Journals*, Apr. 17, and no. 479, *ante*; cf. nos. 487-489, *post*.

³ See nos. 455, 467, 478, *ante*. The reference to a new committee is not recorded in the *Journals*. The report as entered in the *Journals*, Apr. 1, was agreed to May 22.

⁴ There are further remarks on the subject. Cf. no. 478, *ante*, and no. 491, *post*.

[484]¹ Va. State Lib., Executive Papers; *Cal. Va. State Papers*, III. 133.

² See no. 442, *ante*. This "Chart of Cyphers" is in the Virginia State Library, Executive Papers. It runs to 846 numbers, assigned to promiscuously arranged words, syllables, and letters. This cipher, which appears to have been first used in the delegation letter of Apr. 23 (no. 487, *post*) and was long used in the official correspondence of the delegates with the governor, and to some extent among themselves as well, is generally designated as the "official cypher". Beginning July 16 (see no. 555, *post*) Madison and Randolph employed for a few months a cipher of a different type, although occasionally using both types of cipher in the same letter. See this editor's note on "Ciphers of the Revolutionary Period", *Am. Hist. Rev.*, XXII. 329.

³ The report to which Randolph refers is recorded in the *Journals* under Aug. 20, 1782. See nos. 597, 599, *post*.

485. JOHN MORIN SCOTT TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

PHILADELPHIA April 23rd, 1782.

Sir,

. . . . I have the Honor to inclose You a Copy of the Report of the Committee of five, and the Proceedings thereon. Every congressional Step on the Subject of the Grants is marked with the most evident Partiality of a Majority in favor of the Revolters; and against our State. This naturally occasions very animated Debates; in which we are faithfully supported by the friendly States. It really grieves Me that the Want of Money will oblige Me in a few days to abandon a Cause which I have so much at Heart. This however must infallibly be the Case, if a fresh Supply should not speedily arrive. But I have so repeatedly wrote in this Strain, that I shall henceforth be silent on that Head forever; and submit, if I should not be supplied in a few days, to the mortifying Necessity of abandoning my Seat in Congress.²

When the Business of the Grants will be resumed I know not. But I am determined if enabled to Stay here, not to let it sleep long. I suppose however our adversaries mean to *appear* to dream over it, until We rouse them. This Conclusion I draw from the departure of the plenipoes of Vermont who have, without my Knowledge obtained a Copy of the inclosed Report; to enable them, I suppose to make a popular Use of it, in the Country; and excite a revival in the Minds of People, of their declining disposition in favor of Independence.³

Since I had last the Honor of writing to You, the long dormant Report on the Proffered western Cessions has been taken up. When the Question shall be put Massachusetts and Connecticut will doubtless be agt. Us, on their ridiculous Claim to extend to the South Seas. When the Report was taken up, we had warm debates, not on that Part of it which concerns our State; (for it reports fully in favor of our Cession) but on that Part of it which respects the Conditional Cession by Virginia. By the Illness of the President of Congress, Maryland is unrepresented, which was not the Case, when the Report was made the Order of the day. For this Reason the Business is postponed without day, to allow Time for the President's Recovery. This delay we thought it prudent to give into: as we have sufficient Evidence that Maryland will vote in favor of that Part of the Report which concerns our State. And I flatter myself that the Result will be an Acceptance of our Cession. I know not, Sir, whether You have ever been furnished with a Copy of this Report. Should it not be the Case, and You would be kind enough to inform Me of it, I will, if my speedy departure should not Prevent Me, do myself the Honor of inclosing a Copy of it for your Use.⁴

[485]¹ N. Y. State Lib., Clinton Papers, no. 4459.² See no. 514, *post*.³ The report is in the *Journals*, Apr. 17. See nos. 479, 482, 483, *ante*, 486, 488, 489, *post*. Aside from an effort of Scott May 21 to have certain acts of the New York legislature referred to a special committee, the Vermont question was not again taken up until Nov. 5.⁴ See no. 479, note 3, *ante*.

The concurrent Resolutions of the Legislature of our State came to hand very unopportunately, A Report being then depending on a like Request in behalf of Connecticut, clogged with a Proviso in the Report, that the request be complied with, on Condition of their first filling up their continental Battalions. Their deficiency is great. It amounts to upwards of 1400 Men, by the last returns in the War office; which is but one half of their Quota. They moved for striking out the Proviso, and substituting a Proposition in its stead. In the Course of the debate a Copy of their Act for filling up their Line was introduced, with a round assertion that it had made effectual Provision for filling up their Line; tho' when it came to be examined, it enacted no more than a Fine of £15 for delinquencies, and a draft in the last resort, for a short Service till the fall. This, with other Matters I took some pains to collect, convinced Me that they intended to apply their proposed ten Companies towards filling Up their Line. This was thoroughly seen thro' by the Majority; and the whole Report was rejected. We must therefore bring on some general Plan, which will refer to all the States; as there is no Reason to hope for a special discrimination in our Favor. In the Mean Time, your Excellency's known Zeal and Ardor, in compleating our Line, and providing for the defence of our Frontiers, would render it impertinent in Me, to urge the Necessity of the utmost dispatch as to both.⁵ . . .

486. WILLIAM FLOYD TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

PHILADELPHIA April 23d, 1782.

Sir,

. . . . A Report of a Committee of 5 on the application of the Commissioners from the pretended State of Vermont, is now on the Table; the purport of it is; that as those people have Complied with the Resolves of Congress of the 20th of August last that Congress Should Now Receive them Into the union. But as the Sentiments of this house now Stands, I think they cannot Carry nine States for the Report. We are Anxious to know what Laws our Legislature has passed Respecting the Grants at their last meeting, and your Excellencys opinion of their probable Effects.

The Question for Accepting the Session made by our State, to the United States, of the Land to the Westward is now under the Consideration of Congress, and will I expect be Determined in a few Days and from what I Can Collect of the Sence of the house It will be agreed to, and I believe at the Same time the Cession made by Virginia will not be accepted it being Cloged with Some very Disagreeable Conditions, besides Reserving to themselves an unreasonable Extent of Country which it is thought by many they have no Just Claim to.

for the News I must Refer you to the Inclosed papers.

⁵ See the *Journals*, Apr. 19. Governor Trumbull's letter and the representation from the inhabitants of the western country were committed Mar. 4. Cf. nos. 490, 508, *post*. [486]¹ N. Y. State Lib., Clinton Papers, no. 4460.

487. THE VIRGINIA DELEGATES TO THE GOVERNOR OF VIRGINIA
(BENJAMIN HARRISON).¹

PHILADA. April 23d, 1782.

Sir,

Your Excellency's favor of the 12th came to hand yesterday.² There is at present no Delegate here from N. Carolina. As soon as one arrives, we shall apprize him of the want of Commissions suggested by you. . . .

We have again endeavored to obtain from Congress some explicit decision on the territorial cession of Virginia that the assembly may not again be left in uncertainty on that subject. The sickness of the Presidt. which suspended the Vote of Maryland furnished a pretext for postponing the business which we judged it prudent to yield to. As soon as he returns to Congress which will probably be in a few days, we shall renew our proposition and continue to urge it till we obtain in some form or other such evidence of the purpose of Congress as will be satisfactory to the State.³

Early in the last year a plan was formed by the Courts of Vienna and Petersburg for bringing about a general pacification under their mediation. The preliminary articles which were proposed with this view to the beligerent powers are copied in the inclosed paper No. 2.⁴ Congress have just received from [the minister of France some informal communications]⁵ relative to [the] is[sue] of this [pacific] experiment. Among [them] is [the answer of the British court given] in [June last.] It [explicitly] and [emphatically rejects] that part of the [plan] which [relates] to the [negotiation between her] and [the colonies] and [guaranties the result] as [incompatible] with [the relation] of [subjects] to their [sovereign] and [the] essential [interests] of [the empire; alleging] at the same time that a great [part] of [the Americans are disposed] to [return] to their [allegiance] and [that such step] would [furnish the rebel chiefs with fresh means] of [nourishing the rebellion] and [confirming] their [usurped au]tho[rity]. The final answer] of [the mediating courts] professes [great impartiality and] delicacy [toward the beligerent parties, adheres] to [the expediency] of the [first plan], and [hopes] that it may [still become,] under more favourable [circumstances, the basis] of [a general pacification.]

[487]¹ Va. State Lib., Executive Papers (signed by Madison, Bland, and Jones); *Cal. Va. State Papers*, III. 136.

² Harrison's letter of Apr. 12 is in *Official Letters*, III. 195.

³ See the *Journals*, Apr. 15, 18, May 1, 6; cf. nos. 479, 480, *ante*, 488, 489, *post*.

⁴ The enclosure ("paper No. 2"), found with this letter in the Va. State Lib., Executive Papers, is a copy in French, by Madison, of "Articles preliminaire de la paix". For some remarks upon the preliminary articles of peace proposed by the mediating courts of Russia and Austria, and the answers thereto, see no. 130, note 2, *ante*. The passage in cipher aims in particular to summarize the "verbal answer" of Great Britain (see Wharton, *Rev. Dipl. Corr.*, IV. 446, 864). See also Luzerne to Washington Apr. 13 (*ibid.*, V. 302). The *Journals* do not record the communication of the "verbal answer" to Congress at this time.

⁵ The words in square brackets are written in cipher. See no. 484, note 2, *ante*.

488. JAMES MADISON TO EDMUND RANDOLPH.¹

PHILADA. Apl. 23d 1782.

D'r Sir,

Congress have received from [the minister] some informal communications relative to the issue of [the proposed mediation] of [Vienna and Petersburg]. The [answer] of [the British court] to [the proposed (?) preliminary articles] is [among them].²

The Committee on the last application from Vermont have reported fully in their favor. The consideration of the report will not be called for however till the pulse of nine States beats favorably for it. This is so uncertain that the agents have returned. The recognition of the Independence of Vermont is not fully stated in the report as a resolution antecedent went to authorizing a committee to treat with them on the terms of their admission. You will know the object of this arrangement.³

. . . .

489. JAMES MADISON TO EDMUND PENDLETON.¹

PHILADA. Apl. 23d, 1782.

Dear Sir,

. . . . Vermont and the Western lands are still the themes which exercise our politics within doors. The Committee to whom the last application of the former to be admitted into the Confederacy was referred have according to expectation, reported that the measure is warranted by the Articles of Union required by the engagements of Congress to them and expedient in itself. The true secret is that the Vote of Vermont is wished for as an auxiliary agst. the Western claims of Virga. Some of the small States may indeed wish for it also as an auxiliary to their party, but no other motive can prevail with D. and M.² Some of the E. States which are anxious for the admission of Vermont see this and impede the adjustment of Western boundaries on the ground of the Cessions, lest that

[488]¹ Library of Congress, Madison Papers, Ac. 1081; *Writings*, I. 188; *Papers*, I. 121.

² The words in square brackets are in cipher, the code used being that which had just been transmitted to the governor (see no. 484, *ante*) and hereafter designated as the "official cypher". The word "proposed" in the phrase "the proposed preliminary articles" is a conjecture. The margin of the letter is obscured by being pasted into the volume, and all of the cipher at this point that can be made out with certainty is "56". The conjecture is that the number is 561, which is the cipher for "pro".

The passage omitted at this point (which is principally in cipher) is nearly the same as the enciphered passage in the letter of the delegates of the same date (no. 487, *ante*).

Elias Boudinot wrote to Lewis Pintard Apr. 23: "We were yesterday amused by an Acct. in an Eastern Paper, that a Treaty has been perfected between Holland, France and America, but Letters are not so late, but have a good Completion." Hist. Soc. of Pa., Boudinot Papers, II. 101.

³ See no. 489, *post*. On the same day that this letter was written Edward Rutledge wrote from South Carolina to Arthur Middleton: "I am very glad to find that you have put a negative on the Vermonters: it is abominable that they should ever have given so much trouble. But the fault is at the Door of Congress, where they have been suffered to grow into Consequence." There follow other caustic remarks concerning Vermont and Congress. *S. C. Hist. and Geneal. Mag.*, XXVII. 15.

[489]¹ N. Y. Pub. Lib., Madison Papers.

² Delaware and Maryland.

event should be followed by a secession of those 2 States. The radical impediment however is the influence of the land companies. We have in the course of the week past very sensibly experienced this influence.³ As no answer had yet been given to the Cession of Virga. and the Legislature is shortly to meet, the Delegates thought it proper and accordingly proposed that the determination of Congress on that subject should without delay be come into. Every artifice that could perplex the case was immediately exerted, and it is extremely contingent whether we shall be able to obtain an explicit answer to our reasonable request. We shall however continue to press it till Congress take some step which will either directly or indirectly, positively or negatively decide on the case and let the State know on what ground it is to form its measures.⁴

490. THE CONNECTICUT DELEGATES TO THE GOVERNOR OF CONNECTICUT
(JONATHAN TRUMBULL).¹

PHILADELPHIA, 29th April, 1782.

Sir,

Your Excellency's letter of the [21st] day of February last, inclosing the Acts of the Assembly respecting the paying and subsisting at the general expence ten companys proposed to be raised by the State, was recd. by Congress, Upon which a Committee was appointed to take the matter into consideration, with an instruction to conferr with the Commander in Chief. This Committee, after a longer delay than might have been expected, brot in a report, That it was the opinion of the Commander in Chief that the State of Connecticut was in similar circumstances to that of N. York (who had been allowed militia regiments at the continental expence), and thereupon they reported, That the ten companys should be paid and subsisted at the expence of the States, but annexed a proviso that it should be upon condition that the State should first fill up their line in the army. When the matter came before Congress, we observed that the proviso would defeat (if agreed to) every benefit which the State might otherwise expect from the resolution, for if the State should fail of furnishing every recruit, a circumstance which it was most unreasonable to expect, as no line since the war, nor any army ordained to consist of a definite number, ever was compleat, the proviso therefore might be considered as impossible in the performance. The propriety of this objection seemed to be very generally admitted.

But as we were sensible that the subject would meet with considerable opposition, and that much stress would be laid upon the increase of officers beyond the proportion of the privates, and that no troops ought to be at the general expence but such as were altogether under the orders of the Commander in Chief, and as we had an intire confidence in his wisdom and justice, we offered an amendment to the proviso—That no more officers should be paid and subsisted than in proportion to the overpluss number of the non commission officers and privates, computing both those

³ Concerning Vermont see nos. 483, 485, 486, 488, *ante*, 493, 494, 508, *post*.

⁴ See nos. 480, 485-487, *ante*, 493, 498, 505, *post*.

[490]¹ Mass. Hist. Soc., *Collections*, seventh ser., III. 336 (signed by Wolcott and Law).

of the line of the army and the new levies, and that the ten companys should be under the orders of the Commander in Chief, to operate anywhere within the United States. Other gentlemen offered amendments to that which we proposed, without any material variance. On these amendments, which were essentially the same, votes were taken, but none were agreed to; on one of them the question was lost by a single vote of a State which was divided. The question was then put upon the original resolution and rejected.

The objections against the application were, that should Congress comply with it, others of a similar nature would be made; that if the lines of the army were compleat, which ought to be insisted upon, such extra aid would be unnecessary; that the condition of the finances would not admit of new demands; that the adoption of such a measure would seem to exclude the idea of making the exertions of particular States for their own defence an object of publick charge, except in cases which had been specially provided for by Congress. We observed that if any other State was equally exposed, which but very few were, they would merit an equal protection; that our experience must compel conviction that the lines would not be full, and that we proposed no expence in support of officers but in proportion to the number of privates; that the State, exposed as it was, ought not to be considered as able to furnish the pecuniary aid required, in case she must be at the sole expence of her own protection; and that the question was not, wheither all the expence of individual States for their defence should be made a common charge, but who in the present case ought to pay it in the first instance. We represented the condition of the State, and compared its situation and the protection it recd with those of others, but were sorry to find that our efforts to support a measure which to us appeared reasonable was not attended with more success.²

491. SAMUEL LIVERMORE TO THE PRESIDENT OF CONGRESS.¹

PHILADELPHIA 29th April 1782.

Dear Sir,

Having seasonably notified the state of New hampshire that I should, with their approbation, resign my seat in Congress about the first of May: and the state having chosen other delegates to represent them in Congress, I have this day sent my resignation to the President of said state, and can therefore no longer consider myself as invested with the powers of a delegate in Congress.²

² See the *Journals*, Apr. 19, and no. 485, *ante*. The conference with the commander-in-chief, which is not mentioned in the *Journals*, was doubtless had in March, during Washington's sojourn in Philadelphia.

In the close of the letter the delegates mention the imminent departure of Mr. Wolcott, the delay of Mr. Law's return, and request the governor to "accelerate the other gentlemen to come forward".

[491]¹ Library of Congress, Papers Cont. Cong., no. 78, vol. XIV., f. 319.

² The resignation was probably not unconnected with the vacancy on the Court of Appeals. See no. 456, *ante*.

492. THE VIRGINIA DELEGATES TO THE GOVERNOR OF VIRGINIA
(BENJAMIN HARRISON).¹

PHILADA. April 30th, 1782.

Sir,

We have not the honor of acknowledging any letter from your Excellency by Yesterday's post.

Congress received yesterday some [supplemental communications] through the channel mentioned in our last. They speak on the part of [our ally much regret at the thinness] of [our military ranks] insinuate [the idea] of [cooperating with us in expelling the enemy from their remaining posts within the United States;] and observe that [G. Britain] still [reckons much on her numerous friends] in [this country] and will [spare] no [means] of [increasing them.] It is supposed in particular that [experiments may be made] to [seduce the States] to [separate negotiations.] The whole [concludes with] fresh [assurances of the unalterable adherence of his most Christian Majesty to the principles] of [the alliance.]²

493. JAMES MADISON TO EDMUND RANDOLPH.¹

PHILADELPHIA, May 1, 1781 [1782].

Dear Sir,

The case of the vessel captured within North Carolina was some time since remitted to Congress by Governor Harrison.² The anger of Mr. Burke was erroneous in its principle, as well as intemperate in its degree. The offender being an officer of Congress, and not of Virginia, Congress, and not Virginia, should have been resorted to for redress.

On a consultation before Doctor Lee left us, it was determined that we ought to renew our attempts to obtain from Congress a decision on the cession of Virginia, before the meeting of the Legislature. The attempt was accordingly made, and produced all the perplexing and dilatory objections which its adversaries could devise. An indisposition of the President, which suspended the vote of Maryland, furnished an argument for postponing, which it was prudent to yield to, but which is now removed by the arrival of Mr. Wright, a new Delegate from that State. We shall call again on Congress for a simple answer in the affirmative or the negative, without going into any unnecessary discussions on the point of right; and should the decision be postponed *sine die*, we hope the State will consider itself at liberty to take any course which its interest shall suggest. It happens very unluckily that Virginia will only have two

[492]¹ Va. State Lib., Executive Papers (signed by Madison, Bland, and Jones); *Cal. Va. State Papers*, III. 143.

² Cf. no. 493, *post*. The words in square brackets are written in cipher. See nos. 484, 487, *ante*.

[493]¹ *Writings*, I. 133; *Papers*, I. 90 (both texts dated 1781).

² See *Cal. Va. State Papers*, III. 90, and Harrison's letters to Governor Burke Mar. 9, 12, 19, to the President of Congress Mar. 22, and to the delegates Mar. 23, in *Official Letters*, III. 173-175, 177, 179; cf. *ibid.*, p. 215. See also Burke to James Iredell Mar. 13, in *N. C. State Recs.*, XVI. 540, and Burke to Harrison Mar. 23, *ibid.*, p. 556.

Representatives present during the interesting business. Mr. Jones cannot be prevailed on to wait the event. Colonel Bland thinks the validity of charters unimportant to the title of Virginia, and that the title of the natives militates against the claims of the companies. Is not my situation an enviable one?³

The subject of Vermont has not yet been called up. Their agents and those of the land-mongers are playing with great adroitness into each others' hands. Mr. Jones will explain this game to you. Colonel Bland is still schismatical on this point. I flatter myself, however, that he will so far respect the united opinion of his brethren as to be silent. Mr. Lee entered fully into the policy of keeping the vote of Vermont out of Congress.⁴

494. JAMES MADISON, OBSERVATIONS ON VERMONT AND
TERRITORIAL CLAIMS.¹

[May 1, 1782.]²

The two great objects which predominate in the politics of Congress at this juncture are I. Vermont, II. Western territory.

I. The independence of Vermont and its admission into the Confederacy are patronized by the Eastern States (N. Ham[p]shire excepted) 1. from antient prejudice agst. N. York: 2. the interest which Citizens of those States have in lands granted by Vermont. 3. but principally from the accession of weight they will derive from it in Congress. N. Hampshire having gained its main object by the exclusion of its territory East of Connecticut River from the claims of Vermont, is already indifferent to its independence, and will probably soon combine with other Eastern States in its favor.

The same patronage is yielded to the pretensions of Vermont by Pennsylvania and Maryland with the sole view of reinforcing the opposition of claims of Western territory particularly those of Virginia and by N. Jersey and Delaware with the additional view of strengthening the

³ See nos. 482, 487-489, *ante*, 505, 509, 514, *post*. The passage here omitted relates to the further communication from the French minister. See the *Journals*, May 1. The resolve of Congress mentions that the communication was received Apr. 29. See no. 492, *ante*, also Livingston to the states May 2 (Wharton, *Rev. Dipl. Corr.*, V. 393; *N. C. State Recs.*, XVI. 307; *Mass. Hist. Soc., Collections*, seventh ser., III. 341).

⁴ See nos. 482, 489, note 3, *ante*. A passage giving an account of the murder of Capt. Joshua Huddy while a prisoner in the hands of the enemy is here omitted. See the *Journals*, Apr. 29, and nos. 525, 555, 602, 603, 612, 668, *post*. A brief account of the affair is found in *Writings* (ed. Sparks), VIII. 263, with Washington's queries (Apr. 19) to the general and field officers respecting facts and procedure.

[494]¹ Library of Congress, Madison Papers, Ac. 1081; *Papers*, I. 122; *Writings of Washington* (ed. Sparks), VIII. 547; *Vt. Hist. Soc., Collections*, II. 268; *Vt. Recs.*, II. 394.

² The document has on the back this endorsement: "Observations Relating to the Influence of Vermont and the Territorial Claims on the Politics of Congress. May 1, 1782." Concerning it Sparks has this note:

"This paper, dated May 1st, 1782, was presented to me by Mr. Madison, and was written by him while in Congress at the time of its date. It exhibits an interesting view of two important topics, which then engaged the deliberations of that body, and the policy of the different States, as growing out of local and other causes." *Writings of Washington*, vol. VIII., App. X., p. 547.

interest of the little states. Both of these considerations operate also on Rhode Island in addition to those above mentioned.

The independence of Vermont and its admission into the union are opposed by N. York for reasons obvious and well known.

The like opposition is made by Virginia N. Carolina, S. Carolina, and Georgia. The grounds of this opposition are 1. an habitual jealousy of a predominance of Eastern Interests. 2. the opposition expected from Vermont to Western claims. 3. the inexpediency of admitting so unimportant a State to an equal vote in deciding on peace and all the other grand interests of the Union now depending. 4. the influence of the example on a premature dismemberment of other States. These considerations influence the four States last mentioned in different degrees. The 2. and 3. to say nothing of the 4. ought to be decisive with Virginia.

II. The territorial claims particularly those of Virginia are opposed by Rhode Island, N. Jersey, Pennsylvania Delaware and Maryland. Rhode Island is influenced in her opposition by 1. A lucrative desire of sharing in the vacant territory as a fund of revenue. 2. by the envy and jealousy naturally excited by superior resources and importance. N. J., Penn'a, Delaware and Maryland are influenced partly by the same considerations; but principally by the intrigues of their citizens who are interested in the claims of land companies. The decisive influence of this last consideration is manifest from the peculiar and persevering opposition made agst. Virginia within whose limits those claims lye.

The western claims, or rather a final settlement of them, are also thwarted by Massachusetts and Connecticut. This object with them is chiefly subservient to that of Vermont, as the latter is with Pennsylvania and Maryland to the former. The general policy and interests of these two states are opposed to the admission of Vermont into the union, and if the case of the Western territory were once removed, they would instantly divide from the Eastern States in the case of Vermont. Of this Massachusetts and Connecticut are not insensible, and therefore find their advantage in keeping the territorial Controversy pending. Connecticut may likewise conceive some analogy between her claims to the western country and that of Virginia and that the acceptance of the cession of the latter, would influence her sentiments in the controversy between the former and Pennsylvania.

The western claims are espoused by Virga. N. and S. Carolina, Georgia and N. York, all of these States being interested therein. S. Carolina is the least so. The claim of N. York is very extensive, but her title very flimsy. She urges it more with the hope of obtaining some advantage, or credit, by its cession, than of ever maintaining it. If the cession should be accepted, and the affair of Vermont terminated, as these are the only ties which unite her with the Southern States, she will immediately connect her policy with that of the Eastern States; as far at least as the remains of former prejudices will permit.

495. THE SOUTH CAROLINA DELEGATES TO THE GOVERNOR OF SOUTH CAROLINA (JOHN MATHEWS).¹

PHILADELPHIA, May 6th, 1782.

Sir,

The last publick Dispatches were conveyed by Col. Motte;² The Time of Congress has been since principally taken up in making sundry Military regulations, and upon the Affairs of Vermont and the officers in which nothing Conclusive has been determined.

On the 28th ulto. Congress recd. Communications from Letters of the 24 Decr. and 22d Jany. wherein after expressions of Satisfaction upon our Success in Virga. the weakness of our Army is lamented and the incapacity in which it leaves us of pursuing so important a Blow before the Enemy can recover themselves.³ . . .

In Consequence of the above Congress entered into the following Resolve, and upon it you will probably hear farther from the Sec. of for. Affairs.⁴ . . .

Two days ago a Member handed a Paper to the Table, mentioning that it was authentic, and received from N. York.⁵ . . .

That on the 9th March. The *Ceres* man of war ordered to be got ready to sail with some Officers and persons of distinction for America, who are going over, it is said, to hear on what Terms the Congress will agree on a reconciliation with the Mother Country. The Packet, left Falmouth on the 16th of March, and brings farther Intelligence that Sir Guy Carleton is coming out immediately to take Command.⁶

The Dates in the above Papers differ from the Accounts given by the Publick Papers; it serves, however, to corroborate the Facts; and what respects the *Ceres* man of war is worthy of Notice; we shall make no Comments upon them, but mention them merely as a matter of information. The British Cruizers have lately made great impressions upon the Trade here, by this mode the Enemy seems desirous of distressing the Mercantile Interest into an Inclination for Peace.

A resolution of Congress of the 3d April refer'd the Application for Flaggs to the General, and we have since heard nothing from him upon the Subject.

The Accounts from the W. Indies respecting the Fleets are vague and uncertain; we shortly expect to hear of an attack upon Jamaica by the combined forces of France and Spain.

[495]¹ *S. C. Hist. and Genearl. Mag.*, XXVII. 53.

² Motte obtained leave of absence Apr. 3, but evidently did not take his departure before Apr. 7, for he was the bearer of a letter of that date from Arthur Middleton to Aedanus Burke (*S. C. Hist. and Genearl. Mag.*, XXVII. 28).

³ The letters, which were from Vergennes, were communicated by the minister of France to Livingston Apr. 28 (Sunday), and by him laid before Congress Apr. 29. See the *Journals*, May 1.

⁴ The resolve (direction to the secretary for foreign affairs) is in the *Journals*, May 1 (p. 222). Livingston's letter to the governors of the states, May 2, is in Wharton, *Rev. Dipl. Corr.*, V. 393.

⁵ The information is of proceedings in the British Parliament at the end of February and the beginning of March (motion of Conway, Feb. 27, etc.). See no. 498, *post*, also the Rhode Island delegates to Governor Greene, May 7 (passage omitted, no. 496, *post*).

⁶ See no. 505, *post*.

We have inclosed you the Papers compleat from the Time Col. Motte left Philada.⁷

[P. S.] No Blank Commissions can issue. But Genl. Moultrie carried all the Commissions which were necessary properly fill'd up according to the arrangement made here.

496. THE RHODE ISLAND DELEGATES TO THE GOVERNOR OF
RHODE ISLAND (WILLIAM GREENE).¹

PHILADELPHIA May 7th 1782.

Sir,

In the last letter which we had the honour to write to your Excellency, among other things we mentioned that a report on cessions of Western territory to the United States was made the order of the day, and that we hoped it would be postponed.

Since that time the delegates of Virginia have on the one hand urged a decision on their cession with uncommon art and industry, while, on the other the delegates of R. Island, Massachusetts, Connecticut N. Jersey, Pennsylvania, Delaware and Maryland have with equal diligence endeavour'd to cause the whole report to be postponed; and after much manoeuvring it was yesterday generally postponed.²

Our views in promoting a postponement were that the Genl. Assembly might be made acquainted with this matter, and give the delegates of the State their instructions thereon, that the United States might have an opportunity of recommending to the State of Virginia, and other States wh. may have claims or pretensions of claims to Western Territory to make unrestricted and unconditional cessions thereof; and to check that rage for securing extensive possessions by Sale and Settlements which hath seized Virginia, and induced a conduct highly injurious to the interests of the United States.

With a proviso that should secure the claims of the other States and that of the United States to the proposed cession of N. York, we believe that a majority would agree to accept that cession, but neither would your delegates, nor the delegates of the states before mentioned accept the restricted cession of Virginia, or guaranty the tract of country claimed by them in their act of cession unless they should be order'd to accept thereof, by the legislatures of their respective States. . . .

The Minister of France hath lately through the Secr'y for foreign affairs requested a public audience in order to deliver to the President a letter from his royal master to the United States in Congress assembled announcing to them the birth of the Dauphin. The joy of Congress on this happy occasion will be manifested by a discharge of cannon, a display of fireworks, and by an elegant entertainment for the Minister of France.³

. . . .

⁷ The letter is subscribed, "T. [J.] R., D. R., A. M."; that is, John Rutledge, David Ramsay, and Arthur Middleton.

[496]¹ R. I. Arch., Letters to the Governors, 1781-1782 (signed by Ellery and Cornell); Staples, *R. I. in Cont. Cong.*, p. 368.

² See no. 479, note 3, *ante*, and the *Journals*, May 1, 6.

³ See the *Journals*, May 2, 7, 10, 13, 20, and nos. 500-505, 507, *post*.

The report on the affair of Vermont lies untouched, and will not be stirred until it shall appear that some advantage will result from agitating it. . . .

497. THE VIRGINIA DELEGATES TO THE GOVERNOR OF VIRGINIA
(BENJAMIN HARRISON).¹

PHILADA. May 7, 1782.

Sir,

Your Excellency's favor of the 27th Ultò. came to hand yesterday. There has not been since time sufficient to procure the information the Executives wish for relative to the inhabitants lately transferred from the jurisdiction of Virginia to that of Pennsylvania. We shall endeavor to obtain it for the next post. The S[ecretary] of Congress assures us that 20 Commissions for armed Vessels were forwarded on the 30th Ultò. in consequence of a letter from Mr. Blair on the subject. If that number is insufficient the balance shall be supplied on the first notice.²
. . . . Our affairs at [this court ³ make no progress what]ever [toward the alliance sought for.] If it does [not take place] at [all] we shall have at [least the consolation] of [saving the Mississippi.]

498. JAMES MADISON TO EDMUND RANDOLPH.¹

PHILADELPHIA, May [7], 1782.²

Dear Sir,

The enclosed gazette details all the information which we have received relative to the parliamentary advances towards a negotiation with the United States. The first reports which issued from the packet which brought them, were of a very different complexion, and raised high expectations of peace. We now find the ideas of the opposition, as well as the Ministry, to be far short of the only condition on which it can take place. Those who are the farthest reconciled to concessions calculate on a dissolution of the compact with France. The Ministry will yield to the experiment, and turn the result upon their adversaries. Our business is plain. Fidelity to our allies, and vigor in military preparation—these, and these alone, will secure us against all political devices. . . .

We have letters from Mr. Jay and Mr. Carmichael of as late date as the twenty-seventh of February. They differ in nothing from the style of the former. The conduct of the Spanish Court subsequent to the date

[497]¹ Va. State Lib., Executive Papers (signed by Madison and Bland); *Cal. Va. State Papers*, III. 156.

² See no. 515, *post*. Harrison's letter is in *Official Letters*, III. 199.

³ The delegates had mentioned the receipt of letters from Spain. The words in square brackets are written in cipher. See no. 484, *ante*. Concerning the Mississippi question see no. 480, note 2, *ante*, and no. 572, *post*.

[498]¹ *Writings*, I. 189; *Papers*, I. 125.

² This letter was doubtless written the same day as that of the delegates to the governor (no. 497, *ante*), to which it closely corresponds in language and purport. See also no. 499, *post*.

of the letter received the day preceding your departure, corresponds entirely with the tenor of it as therein related. Mr. Jones will inform you of the act of Congress which that letter produced.³ . . .

499. JAMES MADISON TO ARTHUR LEE.¹

PHILADELPHIA, May [7] 1782.

Dear Sir,

The letter enclosed herewith came to my hands from the eastern port. I forward it, not knowing how far its contents may interest you.

The parliamentary intelligence published in the gazette of the morning, shows that some revolution in the councils of the legislative branch has taken place, which will probably have some effect on those of the executive.²

But as the delusive idea of a federal, if not a political connexion with this country, founded on the ruins of its connexion with France, still pervade their policy, no conclusion whatever can be drawn from it, that will justify the smallest relaxation in our public measures. The efficacy of conciliatory overtures seems to be as foolishly and obstinately persisted in by one party, as that of military coercion has been by the other; and if the former should be indulged in their favourite experiment, it is more probable that their disappointment and vexation will make them converts to the views of the latter, than that both parties will lay aside their prejudices, and embrace the terms we hold out to them.

A letter from Mr. Jay and two from Mr. Carmichael were received yesterday. They all speak the same language with that received from the former, a little before you left us. The success of the Spanish arms at Minorca will, we are told, be followed by redoubled efforts at Gibraltar.

We have several times repeated our wish for an order on the western cessions, and have in every instance experienced a repetition of the same indecent obstructions and evasions of which you were a witness, and which nothing will explain but the cause to which we have from the beginning imputed them. It will neither be consistent with the respect we owe to our own public character, nor with the dignity of those we serve, to persist longer in fruitless applications to Congress for an answer. We shall there-

³ The action here referred to was evidently the resolve of Apr. 30, adopted upon a motion of Madison, seconded by Joseph Jones. Concerning this motion see no. 464, note 3, *ante*. Joseph Jones had left Congress only a few days before this letter of Madison's was written. He is last recorded as voting May 3. Letters from Carmichael Feb. 18 and 27 (Wharton, *Rev. Dipl. Corr.*, V. 173, 204) were read in Congress May 6. In a letter from Livingston to Jay May 9 (*ibid.*, V. 404; the date should probably be May 16) it is mentioned that Jay's letter of Feb. 6 (*ibid.*, V. 150) had been read in Congress. See Jay to Livingston, same date (*ibid.*, V. 149); cf. no. 505, *post*. Madison next speaks of the lack of progress in the "Western subject", although in briefer terms than in his letter to Lee (no. 499, *post*). The fact that none of the Virginia letters of May 7 mentions the postponement of the question May 6 suggests a possible discrepancy in the Journal record. There is also further comment in this letter respecting the policy of "making the impost of five per cent. subservient to an honorable adjustment of territory and accounts".

[499]¹ R. H. Lee, *Life of Arthur Lee*, II. 331 (with the date 1778).

² See nos. 495, 498, *ante*. The delegation letter (no. 497, *ante*, in a passage there omitted) comments on the parliamentary intelligence in the "enclosed Gazette". If these letters were actually written on the 7th the paper referred to was probably the *Pennsylvania Packet*, which carried in the issue of May 7 an account of proceedings in the House of Commons Feb. 27. The same account is in the *Pennsylvania Gazette* of May 8.

fore wind up the business as well as we can in a few days, and transmit a statement of it for the general assembly, who will certainly be fully justified in taking any course with respect to their western claims, which the interest of the state shall prescribe.

500. THE SECRETARY OF CONGRESS TO THE SUPERINTENDENT OF FINANCE (ROBERT MORRIS).¹

Sir,

It is the desire of Congress that the table before the president and the tables before the Members be covered with green cloth on the day of the public Audience² Mr. Patton³ waits on you to receive your directions, respecting this matter.

May 9 1782.

501. THE SECRETARY OF CONGRESS TO THE SECRETARY FOR FOREIGN AFFAIRS (ROBERT R. LIVINGSTON).¹

[May 9 ? 1782.]

Dear Sir,

I have the pleasure to inform you that Congress have reconsidered their resolution and have struck out all that follows "Secy of foreign affairs" and in lieu thereof have inserted "who shall give invitations in the name of Congress to the prest. and council of Pensylvania, the principals of the three executive departments under Congress and such other persons as he may think proper."

This I hope will remove your difficulties and enable you to proceed in executing the business in such way as will do honor to your self as well as to Congress²

[500]¹ Library of Congress, Papers Cont. Cong., no. 49, f. 401.

² On May 2 Congress had set Monday, May 13, for an audience to the minister of France for the purpose of reading a letter from his Most Christian Majesty to Congress announcing the birth of a dauphin, and on May 7 had adopted the ceremonial for the occasion. This detail is not however mentioned in the ceremonial programme. See no. 496, note 3, *ante*, and nos. 501-505, *post*.

³ Robert Patton, messenger to Congress.

[501]¹ Library of Congress, Papers Cont. Cong., no. 55, f. 247.

² See nos. 496, 500, *ante*. The part assigned to the secretary for foreign affairs in the public audience to the minister of France was not satisfactory to Livingston; accordingly he addressed to the President of Congress the following letter:

"OFFICE OF FOREIGN AFFAIRS

PHILADELPHIA 8th May 1782.

"*Sir*, I this moment received a Resolution of Congress, ordering an entertainment to be provided by Congress at the City tavern for the Minister of France and his Suite to be under my direction, and empowering me to invite thereto such General Officers and foreigners of distinction in town as the President shall approve. As the execution of this important trust (for which I find myself disqualified) will materially interfere with the business of this Office, I must beg leave to decline the Honor that Congress intend me. I have directed the Tavern keeper to be informed that it will be necessary to provide a dinner on Monday, in order that no time may be lost by my having been appointed." Papers Cont. Cong., no. 79, vol. II., f. 175, endorsed as read May 9.

What action Congress took upon receipt of this letter from the secretary for foreign affairs neither the *Journals* nor any known letters reveal, but there was evidently an

502. THE SECRETARY OF CONGRESS TO THE SECRETARY FOR
FOREIGN AFFAIRS (ROBERT R. LIVINGSTON).¹

Sir,

The United States in Congress Assembled having appointed Monday the thirteenth Instant at 12 O'Clock for giving a Public Audience to the Honorable the Minister of France and having resolved that a place be assigned to the Principals in the three executive Departments under Congress,

I have the honor to inform you that the Place assigned to those Gentlemen is within the bar to the right and next to the Members of Congress on the left of the Chair.

The United States in Congress Assembled have farther resolved That the Assistants and principal Secretaries in each of the Departments be admitted without the bar of the House. The Messenger of Congress has orders to furnish you with tickets for such of the Gentlemen in your Department as come within the above description.²

PHILADELPHIA May 10th 1782.

interchange of views between Secretary Thomson, on behalf of Congress, and Secretary Livingston, as the following letter from Livingston to Thomson, May 9, clearly evidences:

"PHILADELPHIA, 9th May, 1782.

"Dear Sir, You who know the respect I have for Congress will easily conceive the reluctance I feel in persisting to decline the direction of their Entertainment while it stands upon its present footing—were it duly annexed to my office I should think myself obliged to perform it—did the United States in Congress chuse to appoint me their Master of Ceremonies upon any occasion in which they appeared as a sovereign, I should think they added greatly to the honor they have already conferred upon me. But, Sir, I feel that there is a respect which every man owes to himself if he has been dignified by honourable Employment—or if in office, to that office and the Sovereign that appointed him which forbids him to take a new Charge derogatory to the former.

"Congress call upon me to direct an entertainment at which I am not even a guest—to which none of the Principals in the great departments or the most respectable executive officers are to be invited. From which the President and Council of this State, the field officers in town tho' on duty, a number of genteel strangers (not being Foreigners) some of whom were ten days ago members of Congress are excluded and the general officers implicatively since they never visit without their aid de camps—it is true the odium I should incur by my agentry on this occasion would be removed if I could plead the order of Congress, but I should find it difficult to make the world believe that an officer whose past and present Employment give him some title to respect could be ordered to direct an Entertainment without some little attention having been paid to his recommendation—and were this to gain credit, I should want a sufficient apology for having taken upon myself a duty which placed me on a footing with the Presidents steward[d]. Delicacy and respect for Congress kept me from assigning these reasons to them—if they must be brought before them, I wish you to do it in such a way as to satisfy my veneration for their orders, and the pain I feel in being placed in such a situation as not to be capable of executing their commands on this occasion without degrading an office which their Honor and Interest requires to be supported with some degree of dignity, particularly in the Eyes of foreigners. Should Congress find it proper to alter their Resolution, which however I am far from taking the Liberty to suggest, I should think myself honored by carrying their commands into execution.

"I am, Dear Sir, with great Esteem, your most obed. hum. Servant, Robt. R. Livingston."

N. Y. Hist. Soc., *Collections: Revolutionary Papers*, I. 61.

It was evidently this letter of Livingston which induced Congress to make the alterations in the ceremonial as indicated in Thomson's letter. The alterations were made probably on May 9, yet the *Journals* merely show emendations in the record of May 7. See further nos. 502-505, 507, *post*.

[502]¹ Library of Congress, Papers Cont. Cong., no. 55, f. 251; Wharton, *Rev. Dipl. Corr.*, V. 401 (dated May 9).

² See nos. 500, 501, *ante*. Identical letters, although with additions as noted below, were sent to the superintendent of finance and the secretary at war. Thomson's draft of

503. JESSE ROOT TO THE GOVERNOR OF CONNECTICUT
(JONATHAN TRUMBULL).¹

PHILADELPHIA May 11th, 1782.

Sir,

I arrived here last Monday, my horse's getting lame delayed me two or three days in my journey. The Committees to whom was referred your Excellency's letters, in respect to commissioning privateers, and in respect to the prisoners, have reported, but no resolves have been passed upon them.²

Monday next the Minister of France has an audience to announce the birth of the Dauphin. . . .

504. THE SECRETARY OF CONGRESS, REPORT.¹Monday May 13, 1782.²

This day having been assigned for giving the Minister of France a public audience, in order that he might deliver to the United States in

the letter to the superintendent of finance is in Papers Cont. Cong., no. 49, f. 69. At folio 67 of the same volume is the following memorandum:

"Add as a postscript to the letter for the super finance

"As the Comptroller Treasurer Register and Auditor are within your department the Messenger will deliver you the tickets for those Officers.

"To that for the Sec'y at War add

"As the Officers of the Army come more immediately under your notice the Messenger will deliver you as many tickets for them as you shall think proper."

The following letter was addressed by Secretary Thomson to the president of Pennsylvania (William Moore):

"The United States in Congress assembled having appointed Monday the 13 instant at 12 o'clock for giving a public Audience to the hon'ble the Minister of France and having resolved That a place be assigned for the President and executive Council of Pensylv'a

"I have the honor to inform [you] that the place assigned for your Excellency and the hon'ble Council is within the bar to the right as you enter, and facing Congress." Papers Cont. Cong., no. 49, f. 75 (draft).

[503]¹ Mass. Hist. Soc., *Collections*, seventh ser., III. 348.

² See the *Journals*, May 4 (p. 238 n.), 6 (p. 243 n.), May 21; cf. *ibid.*, June 14 (p. 333 n.), June 20 (p. 340 n.).

[504]¹ *Pa. Mag. of Hist. and Biog.*, XXIX. 497.

² The following plan for seating the guests at the entertainment was drawn up by Secretary Livingston May 12:

"The Order in which the Guests shall sit at the entertainment given to morrow by Congress, shall be as follows

"The President of Congress on a Chair in the center. The Minister of France on his right hand on a Chair; the Members of Congress in equal divisions on each side of him.

"The President and executive Council of Pennsylvania on the right of Congress, on the left, the Principals of three great executive Departments, (except the Secretary for foreign Affairs, who as Master of the Ceremonies shall sit opposite to the President of Congress). The Secretary of the United States in Congress assembled.

"The Secretary to the Legation, shall sit on the left hand of the Secretary for foreign Affairs, and the Consul on his left. The eldest General Officer on the right of the Secretary for foreign Affairs. The Genl. Officers Treasurer, Comptroller, and Auditor General, and foreigners of distinction on his right and left without designation of Rank.

"The remainder of the Company seating themselves without any particular attention to rank.

Congress assembled a letter which he had rec'd from his most Christian Majesty to them announcing the birth of a Dauphin. The Minister came in his own coach to the State house, being escorted by the city troop of light horse. At the State house he was rec'd with military honors, and being met at the foot of the steps by two members deputed for the purpose he was by them introduced to his seat.

The house was arranged in the following order—The President in a chair on a platform raised two steps from the floor with a large table before him. The members of Congress in chairs on the floor to his right and left with small tables before them. The tables were all covered with green cloth. On the left of the chair sat 1, delegates from Massachusetts, 2. Rhode Island, 3. Connecticut, 4. New York, 5. New Jersey. On his right sat 1 Georgia, 2 S. Carolina, 3 Virginia, 4 Maryland, 5 Delaware, 6 Pennsylvania. The whole in a semi-circle. New Hampshire and North Carolina were not represented.

Next to the Members of Congress on the left of the chair stood the principals of the three executive departments namely the Superintendent of finance the Sec'y at War and the Sec'y for foreign affairs.

The Secretary of the United States in Congress assembled stood on the right of the president on the first step of the platform. At his right on the floor stood the interpreter behind the chairs of the Members.

The president and council of the State of Pennsylvania stood within the bar on the right as they entered and facing the president.

The rest of the audience stood without the bar. The doors were opened. Centries were placed at the inner door and none except the minister and suite were admitted without a ticket which was signed by the Sec'y of Congress who furnished each of the members with two, the Super. finance with as many as were wanted for the officers in his department, the Sec'y at war for those in his department and for such of the general officers of the army as were in town and the Sec'y for foreign affairs with those wanted for foreigners of distinction whom he might think proper to be admitted. The President of Congress was furnished with a number to distribute among citizens. The whole number prepared was 200.

The Minister was conducted into the Congress Hall by the two members who had received him at the foot of the steps of the outward door. As he entered the bar the president and the house rose, the president being covered. The Minister as he advanced to his chair bowed to the president

"Gouverneur Morris Esqre. will do the honors of the Table at one end, Major Jackson at the other, Lewis Morris Esq. at the side of the table which is opposite and farthest from the President." Papers Cont. Cong., no. 79, vol. II., f. 197 (not in Livingston's writing).

Gouverneur Morris was assistant to the superintendent of finance, Maj. William Jackson was assistant to the secretary at war, and Lewis Morris, jr., was assistant to the secretary for foreign affairs.

Just prior to the reception Secretary Livingston proposed an addition to the address of the President in response to that of the minister of France. The addition constitutes the last nine lines of the response as it appears in the *Journals*, May 13 ("an union . . . principles of the alliance"). See the two communications from Livingston to the President, May 13, in Wharton, *Rev. Dipl. Corr.*, V. 416. Concerning Livingston's course in connection with the audience to the minister and the entertainment given by Congress, see the article on Livingston by Milledge L. Bonham, jr., in *The American Secretaries of State and their Diplomacy*, I. 129.

who took off his hat and returned the bow. The Minister being uncovered. The Minister then bowed to the members, on each side of the chair, who were standing uncovered but did not return the bow. The Minister then sat down and put on his Hat. A chair was prepared for him on the floor directly opposite to the president and before it a table covered with green cloth. On each side of his chair was placed a chair for the members who introduced him. He who was first named of the two took the chair on the right and the other that on the left. The president the members and the Minister all took their seats at the same time. The Secretary of the embassy stood on the left of the chair of the member at the Minister's left.

After about a pause of a minute the Minister arose and taking off his hat addressed the United States in Congress assembled in a short speech delivered in french. The house sat while he delivered his speech. The president only being covered. Having finished his speech he sat down. And the Sec'y of the Embassy coming forward delivered the letter from his most Christian Majesty to the Sec'y of Congress who advanced to the end of the platform to meet him and having received it carried it back and delivered it to the president who opened it and delivered it again to the Sec'y who causing the interpreter to advance to the first step of the platform gave it to him open and he read it in the original to the audience. The Sec'y then on the platform read a translation of it and returned the letter to the president. Whereupon the president, the Members and the Minister rose the President being covered, but the Members and the Minister uncovered; and the president on behalf of the United States addressed the Minister in a short speech after which they all sat down and after a short pause the Minister rose, whereupon the president and the members rose. The Minister then bowed to the president and the members and withdrew, the members who introduced him reconducting him to the foot of the steps at the outward door.

A report drawn up by the Secretary and shown to the president and some members who thought it too minute (on the present occasion) to trouble Congress for an order to insert it on the minutes, it was therefore suppressed.

CHA THOMSON Sec'ry.

505. JAMES MADISON TO EDMUND RANDOLPH.¹

PHILADELPHIA May 14, 1782.

Dear Sir,

The *Ceres* man of War we are informed by a New York paper arrived there in twenty five days on the 5th instant having on board his Excellency Sir Guy Carleton, Commander in chief, etc., and *commissioner for making peace or war* in North America. . . .

We have at length brought our territorial business to an issue. It was postponed *sine die* on the 6th instant. We have transmitted the whole proceeding to the Governor to be laid before the Assembly.² . . .

[505]¹ Library of Congress, Madison Papers, Ac. 1081 (copy); *Papers*, I. 127; Wharton, *Rev. Dipl. Corr.*, V. 417.

² See no. 498, *ante*, nos. 509, 514, *post*. Madison wrote to Randolph May 21: "The final report of our suit to Congress for an answer to the Western cession was sent by the

Since I finished the above a letter has come to Congress from General Washington enclosing one to him from Sir Guy Carleton announcing his commission in conjunction with Admiral Digby to treat of peace with this country, and requesting a passport for his Secretary Mr. Morgan to bring a similar *letter of compliment* to Congress. The request will certainly be refused and General Washington probably directed to receive and forward any despatches which may be properly addressed to Congress.³

A public audience was yesterday given to the Minister of France, in which he formally announced the birth of the Dauphin. It was deemed politic at this crisis to display every proper evidence of affectionate attachment to our Ally. The Minister was accordingly received with Military honors and the audience concluded with the discharge of cannon and a *feu de joi* of small arms. A public entertainment followed and fireworks at night closed the scene.⁴

The answer reported by the committee on Mr. Dana's letter, animadverted on his precipitancy and⁵ gave him a cautionary instruction. It afterwards went to the Secretary of foreign affairs and thence I suppose in his dress to Petersburg. Mr. Jones will give you more satisfactory information on this as also with respect to the answer of Mr. Jay's Letter.⁶

last post. Mr. Jones can explain every thing relative to it. I feel myself much disburdened by the termination of the business. If it should be revived here, in consequence of steps taken by the Legislature, I flatter myself it will be under circumstances less embarrassing." *Writings*, I. 196.

³ See the *Journals*, May 14; also Livingston to Jay May 9, in Wharton, *Rev. Dipl. Corr.*, V. 404. Some parts at least of Livingston's letter must have been written as late as May 16. In the first place, he refers to Washington's letter to Congress May 10, enclosing Carleton's letter of May 7 to him, both of which were read in Congress May 14. In the second place, he writes Jay in this letter: "I yesterday took the sense of Congress upon the propriety of giving you leave of absence. They have declined giving any answer to that part of your letter, from which you are to conclude that they do not conceive it advisable at present. I enclose the resolution I proposed, which they thought it proper to postpone." There are two letters from Livingston to the President of Congress, both dated May 15, submitting his proposed resolve relative to Jay's leave of absence. They are *ibid.*, p. 419, where also is found his proposed resolve, as follows:

"It having been represented to the United States in Congress that certain circumstances might render it expedient to permit Mr. Jay to leave the court of Madrid and repair either to the United Provinces or to Versailles, *Resolved*, That such permission be granted him, provided that he shall conceive that such absence would be attended with important advantages to the United States and that it does not exceed three months."

The letter of Washington to Congress May 10, above referred to, is in *Writings* (ed. Sparks), VIII. 293; his reply of the same date to Carleton is *ibid.*, p. 205; Carleton's letter to Washington May 7 is *ibid.*, p. 536; his reply, June 20, to Washington's letter of May 10 to him is *ibid.*, p. 537.

⁴ See nos. 496, 500-504, *ante*, and no. 507, *post*.

⁵ The words "animadverted on his precipitancy and", in a different writing from that of the letter, are noted in the margin as having been "left out". Similarly, the words "at night", at the close of the preceding paragraph, are inserted in the margin as "left out". The same hand has endorsed the letter, "a Duplicate letter both corrected the same Sep. 14 '58".

⁶ The question was whether Dana should present his letters of credence to the court of St. Petersburg. Dana had been definitely instructed (*Journals*, Dec. 19, 1780) to consult Vergennes and the Marquis de Verac (French minister at the court of St. Petersburg) with regard to the appropriate time to present his letters of credence; but against the advice of those ministers he had, in August, 1781, gone to St. Petersburg, where he had accomplished nothing except to place himself in a humiliating situation. See the report on a conference with the minister of France, Sept. 21, 1781 (*Journals*). When Livingston

506. EDMUND RANDOLPH TO THE SPEAKER OF THE VIRGINIA HOUSE OF DELEGATES (JOHN TYLER).¹

RICHMOND May 16, 1782.

Sir,

Having returned from congress, after remaining there for that portion of the year, which is assigned by law to each delegate, I should have offered myself to the general assembly for the purpose of information, had not my colleague, Mr. A. Lee, been a member of the house of delegates. From him you will learn the posture of public affairs, the prospect of peace, as it is to be found in the temper of our ally, the mediating powers or our enemy, the state of our army and navy, the history of our finances, as it includes the national debt, the expenditure of money, the settlement of accounts, subsisting prior to the completion of the confederation, the operations of the bank, the provision made for the discharge of monies loaned, and the erection of a mint. The temper of congress with regard to Virginia and the motives of several resolutions can also be shewn by him. It would be useless to detail the other particulars, upon which he can make communication. I shall therefore only add, that if the assembly should wish to be informed of any thing, which happened before the arrival of Mr. Lee at congress, I shall be in readiness for their summons.

507. JESSE ROOT TO JEREMIAH WADSWORTH.¹

PHILA. May 17th 1782.

D'r Sir,

I am again returned to Congress where I expect to Stay through the Summer, which you know very well is disagreeably Sweating to both body and purse. . . .

The States are going on in their usual dilatory way. The business in Congress is much helped by the establishment of distinct Executive departments. Rivingtons News from New York is that Count DeGrass in the *Ville Paris* is taken with three other Ships of the Line. this news is Much Questioned for it Contradicts every other acct. recd. from the West Indies, as there has been several arrivals from the West Indies since the action which was on the 12th ulto., and they are Sporting away largely in the Coffee house I am Credibly Informed that not less than £20,000 was under wrote yesterday on the *Ville Paris* at 10 and 18 per Ct.

learned of Dana's purpose to proceed to St. Petersburg he wrote Dana (Mar. 2, 1782) advising him to appear only in his private character (Wharton, *Rev. Dipl. Corr.*, V. 209). Now, after the receipt of a number of letters from Dana, it appeared to be all the more necessary to reiterate the caution and to emphasize the instructions of Congress at the time of his appointment. This Livingston did in a letter which bears the date of May 10 (*ibid.*, p. 411), and it is this letter to which Madison refers. Madison appears to have supposed that the letter had already gone to Dana, but Livingston's letters to Dana May 22 and 29 (*ibid.*, pp. 436, 446) reveal that the letter had for some time been under consideration in Congress. Action was not however taken upon it until May 27. See the *Journals*.

[506]¹ Va. State Lib., Executive Papers.

[507]¹ Copied from the original, then in the possession of Mr. Stan. V. Henkels of Philadelphia.

Genl. Parsons has resigned and is out of the army, his motives for it I am unable to Explain. Genl. Carlton has arrived at New York, and bro't the news of a total Change in the British administration and Cabenit.² last monday the birth of the Dauphin of France was anounced to Congress in form by the Minister who had a public Audience for the purpose, and every demonstration of Joy was Exhibited on the occasion.³

508. JOHN MORIN SCOTT TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

PHILADELPHIA, May 21st, 1782.

Sir,

I have nothing particular to communicate to your Excellency in an official line. I should not, therefore, at this time have solicited your attention, had it not been to inform you of the necessity of an immediate successor to Colonel Floyd who left us last week. The usual unpunctuality of members in relieving each other now gives us a thin Congress at a critical season, when a full representation of all the States is absolutely necessary. I wish our State may not long lie under the imputation.²

I am anxious to hear how our two late Acts have operated on the minds of the inhabitants of the Grants. I have communicated them to several of the members. Our friends think we have been too liberal in one. Others think the Act of Oblivion should have contained no exceptions. I am of both opinions. However, such as the Acts are, I shall this day lay them before Congress. And as the manoeuvres of others have not taught but compelled me to do the like in my turn, I shall follow the reading of them with a motion comprehending them *verbis, syllabis, et figuris, that they be referred to a special Committee to report thereon*. It will perhaps be one of the longest motions that ever was made; but it is the only effectual measure to introduce them on the journals. To attempt this in any other way would probably, for evident reasons, be attended with great opposition. The event of the day on the business, I shall insert before I close.³

I find I can get nothing done to purpose on the concurrent Resolutions of our Legislature respecting the levies and the two State Regiments, till I can assure Congress, that our line is full. I must therefore entreat your Excellency to favor me with returns; that I may announce the fact on the floor of Congress. This will probably ensure success to a motion for complying with request contained in the concurrent Resolutions. I am the more impatient for those returns, for reasons which with many other particulars of too delicate a nature to entrust to a stated post, I shall take the liberty of conveying to you more safely by a private hand. . . .

I have made my motion on the two acts. It has miscarried by a small majority against it. However, I called for the yeas and nays. This will

² See no. 505, *ante*.

³ See the *Journals*, May 13, and nos. 406, 500-505, *ante*.

[508]¹ Harvard Univ. Lib., Sparks MSS., XII. 222.

² See the *Journals*, May 27, and nos. 513, 514, *post*.

³ See also the last paragraph of this letter; *cf.* no. 485, *ante*, and nos. 509, 514, *post*. The New York acts are in the *Journals*, May 21, and in *Vt. Recs.*, II. 391-394.

bring the Acts on the Journals with my motion. This is all I expected, considering how thin Congress now is. After this, I think the State will be fully justified in pursuing its own measures.

509. WILLIAM FLOYD TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

PEEKS KILL May 22d 1782.

Sir,

. . . . Congress is now so thin that they Can With Difficulty make a house, and unless one of my Colegues Goes on Soon, I expect you will Receive a Letter from Congress on the Subject.

There is Nothing done Respecting the Grants, nor Do I think that Congress Ever will do any thing in the matter, therefore if it was possible for our State and N. H. to Come to Some Settlement between themselves on that Subject I think it would be the only Effectual mode of puting an End to that Disagreeable Business.² The Report of the Committee Respecting (ours and Others) Cessions of the Western Lands, has Been under Consideration But is now pos[t]poned I dont Expect it will be taken up very Soon tho there did not Seem to be any Objection to the Cession made by New York, But Difficulties arose with Respect to that of Virginia.³

510. THE SECRETARY OF CONGRESS TO THE GOVERNOR OF CONNECTICUT
(JONATHAN TRUMBULL).¹

SECY'S OFFICE May 23d, 1782.

Sir,

The Com'ee to whom your excellency's letters of the 24 of April were referred having made report Congress have passed a resolution thereon, which I have the honor to enclose.²

I beg leave to inform your excellency that no commissions for private armed vessels are granted by Congress but through the medium of the executives of the several states, to whom blanks are transmitted from this Office; that Congress expect pursuant to their recommendation of the 10 Nov 1780 that the governors or presidents of the several states who grant commissions are careful to have inserted on the back of the commission a minute description of the persons of the captain and his lieutenant with their age stature complexion etc. certified by the governor or president under his seal. So that your Excellency by calling for the commission of A M Dayton of Newhaven mentioned in your letter of 24 April to his Excell'y the presidt. of Congress, will see from whom he has procured it. And if it should be found not to have the above endorsement there will be reason to suspect he has not procured it fairly and your excellency will, doubtless, take effectual measures to prevent any farther exercise of power under a commission improperly obtained.

[509]¹ N. Y. State Lib., Clinton Papers, no. 4541.

² See no. 508, *ante*, and no. 514, *post*.

³ See nos. 496, 498, 505, *ante*, 514, *post*.

[510]¹ Library of Congress, Papers Cont. Cong., no. 49, f. 407.

² See the *Journals*, May 4 (p. 238 n.), 21, and no. 512, *post*.

511. THE SECRETARY OF CONGRESS TO THE SEVERAL STATES.¹

SECRETARY'S OFFICE May 23d, 1782.

(Circular)

Sir,

I have the honor to enclose a Resolution of the United States in Congress Assembled passed the 21, authorising the Executives of the several States in certain cases to suspend the Commissions of Captains of Private Armed Vessels; and as there is reason to suspect that not only the Enemy but even some persons of doubtful Character in the States make an improper use of Commissions unduly obtained I beg leave to call Your attention to the Recommendation of Congress of 10th November 1780, a Copy of which is also enclosed.

512. JESSE ROOT TO THE GOVERNOR OF CONNECTICUT
(JONATHAN TRUMBULL).¹

PHILADELPHIA, May 24th, 1782.

Sir,

Congress have judged it necessary to appoint two of their members to proceed to the southward and two to proceed eastward to make certain communications to the Legislatures of the several States, of great importance to the weal and safety of the United States, which otherways it was thought could not be so well done. The members appointed will set out next Monday and will probably be at Hartford in the course of week after next, at which time it is expected the Genl. Assembly of Connecticut will be sitting.² . . . The resolution upon your Excellency's letter respecting commissions to private armed vessels is passed, authorising the executive of the States to suspend and report such as misbehave, etc.³ . . .

513. THE PRESIDENT OF CONGRESS TO THE SEVERAL STATES.¹

PHILADELPHIA 28th May 1782.

Circular

Sir,

The necessity which occasioned the Act of Congress of the 27th instant, a copy of which I have the honor of enclosing, is sincerely to be lamented, and I could wish had been avoided.² To experience inattention to the general Good, at this great and important Crisis, when the collected

[511]¹ N. Y. State Lib., Clinton Papers, no. 4543; Md. Hist. Soc., Red Book, IX. 57; Papers Cont. Cong., no. 49, f. 403.

[512]¹ Mass. Hist. Soc., *Collections*, seventh ser., III. 354.

² See the *Journals*, May 22, and nos. 515, 516, 518, 519, *post*. Root does not mention that he himself was one of the delegates appointed for the eastern excursion. "Next Monday" would be May 27.

³ See no. 510, *ante*.

[513]¹ Library of Congress, President's Letter-Book, p. 147; *ibid.*, Force Trans., N. H. Recs., Council Corr., 1782-1788; N. Y. State Lib., Clinton Papers, no. 4561; N. C. State Recs., XVI. 330.

² The act earnestly recommended to the states unrepresented immediately to send delegates to Congress, "and to all the states to keep up a constant representation". The states wholly unrepresented were New Hampshire, Connecticut, New Jersey, Delaware, and North Carolina. New York had but one delegate (Scott) in attendance, whose single vote was insufficient.

Wisdom of the Union is particularly required, is painful indeed, and must leave an unfavorable impression. A moment's reflection, I am convinced, will produce the same sensations in your Excellency's Breast, which I feel on this occasion, and will plead more powerfully for an immediate compliance with the recommendation of Congress than anything that can be urged by me.

514. JOHN MORIN SCOTT TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

PHILADELPHIA 28th May 1782.²

Sir,

. . . . if I do not receive it [*i. e.*, money for expenses] in a few days, *I must* return home, whether the State be represented or not.³ And yet it will give Me great Pain to leave the two important Businesses of the Grants and Cession unfinished. I only wait for a fuller House to move them. The Reports in both lie on the Table. The former, I have all the Reason in the World to hope, will be the last Effort in Congress, in favor of the Revolters, if it be rejected in a full House. The latter requires one equally full; because the States who are friendly in the other Case seem to be averse to making any Cession *to be at the disposition of Congress*; who, they say, ought not for obvious Reasons to have landed Property in their Power. Indeed, I am not sanguine about it. But as I Conceive it to be my Duty to contribute to the Execution of the Will of the Legislature, I shall do it in *due Time if not instructed otherwise*.⁴

515. THE VIRGINIA DELEGATES TO THE GOVERNOR OF VIRGINIA
(BENJAMIN HARRISON).¹

PHILADELPHIA May 28th 178[2.]

S'r,

. . . . The letters which came enclosed in your Excellys by last Post.² after having perused attentively, [we delivered to the Minister of France

[514]¹ N. Y. State Lib., Clinton Papers, no. 4560.

² Scott wrote to Clinton on the preceding day (May 27): "This morning were read in Congress a Letter from Doctor Franklin of the 30th March, inclosing a Copy of one from Mr. Adams of the same Month" (N. Y. State Lib., Clinton Papers, no. 4555). Franklin's letter to Livingston is in Wharton, *Rev. Dipl. Corr.*, V. 277; the letter of Adams to Franklin (Mar. 26) is *ibid.*, p. 273. See no. 517, *post*. Scott's letter of May 27 also discusses the question of enlisting German prisoners of war. See the *Journals*, May 15, June 5.

³ See no. 485, *ante*. Scott had reiterated his urgent need of money. Concerning the question of attendance see no. 524, *post*; also Clinton to Scott June 6, in *Clinton Papers*, VIII. 6.

⁴ With regard to Vermont see nos. 508, 509, *ante*, and no. 576, *post*. With regard to the cessions see nos. 493, 505, 509, *ante*, and no. 569, note 3, *post*.

[515]¹ Va. State Lib., Executive Papers (signed by Madison and Bland); *Cal. Va. State Papers*, III. 201.

² Governor Harrison's letter, dated May 11, is in *Official Letters*, III. 209. The enclosures were a letter to Robert Morris, superintendent of finance, and one to the Chevalier de la Luzerne, both of May 11 (*ibid.*, pp. 210, 211). See note 4, below.

and Mr. R. Morris.] ³ No Answer or Comment on the Contents of either has yet been addressed or communicated to us, [nor have we yet urged to either of them an explanation of] the [subject of them.]

We shall endeavor [to investigate the motive] and [cause] of the [alteration] you mention [of the disposition and payment] of the [stores.] ⁴

We think it proper to acquaint your Excellency that a letter [from Dr. Franklin to Mr. R. Morris] read in Congress leads to this knowledge, tho' not completely it appears [therefrom], that [a loan for] the [current year] has been [granted to] the [United States] of [Million of Livres] and that [a Deduction has been made] of [seven hundred thousand Livres therefrom on account] of [Virginia for stores purchased] for that [State] by the [Ministry of France] whereby the [State of Virginia becomes debtor to the United States.] This appears to us at present to be [the act of the Ministry in France] but from what motive or by whose instigation is not clear to us. When it was [determined to sol]l[icit that Loan] we can only find [that Congress authorized] the [Minister of the War department] of [foreign affairs and minister of finance] to explain [to the Minister of France the absolute] necessity [of such a supply.]

We hinted to Your Excellency in our last [the distressed and critical state] of [the finances] and the measures which wd probably be persued by Congress [in hopes of exciting the states] to all [the activity] and [energy] they are capable of in that line. We have not been mistaken in our conjecture and Congress has deemd speedy [exertions of such consequence] to the [welfare of the general Cause] that altho there is but [a bare representation left they have come to a resolution [to dispatch two] of [their members] to the [Southern and two to the eastern States charged] with an [explanation] to the Executives and [such of the legislatures] as [may be in session of the true state of our finances] and the [causes leading thereto.] ⁵ They have also orderd [an exact state] of the [loans, subsidies, and monies received] to be [laid before them by

³ Words in square brackets are written in cipher. See no. 484, note 2, *ante*.

⁴ See the *Journals*, May 24, 25. Franklin's letter to Robert Morris, Mar. 4, is in Wharton, *Rev. Dipl. Corr.*, V. 218; Morris's to Congress, May 23, is *ibid.*, V. 438. See also Franklin to Vergennes Feb. 15, *ibid.*, V. 164, and Morris to Franklin May 23, *ibid.*, V. 437. Harrison's letter, to which the delegates were replying (see note 2, above) was with reference to Morris's letter to him, Apr. 27 (Wharton, *Rev. Dipl. Corr.*, V. 331). Letters of Harrison pertaining to the stores to be obtained from France are in *Official Letters*, III. 117, 148, 209-211, 229, 238, 250, 253, 380, the first dated Dec. 29, 1781, the last-mentioned being of date Nov. 16, 1782. See further no. 527, *post*.

⁵ See the *Journals*, May 22, 29, 30, June 27, July 15, 18. Cf. nos. 512, *ante*, 516, 518, 519, *post*. The following entry in the Diary of Robert Morris, under date of May 20, indicates that the deputation was suggested by him:

"This evening I met Mr. Madison, Governor Rutledge, Mr. Clymer, Mr. Lovell [Lowell], and Mr. Root, the committee of Congress appointed to confer with me on the subject of my letter to Congress of the 17th instant, enclosing an intended circular letter to the States. I laid before these gentlemen a true picture of our situation; but after much conversation they appeared to be disinclined to sending the circular letter, and I proposed sending suitable persons to the several States, to make proper representations to the executives and legislatures, which they seemed to prefer, and on which they are to consult and report to-morrow morning" (Wharton, *Rev. Dipl. Corr.*, V. 426). Morris's circular letter, dated May 16, is *ibid.*, p. 423, his letter to Congress, May 17, *ibid.*, p. 426.

the Minister of Finance] together [with an account] of [their application. Mr. Rutledge and] Mr. [Clymore are deputed to the South States, Mr. Root and] Mr. [Montgomery to the Northward] the latter [set off to-morrow.] ⁶ Letters from Dr. Franklin so late as the 30th of March last inform us that England is weary of the War—that she *appears* to want to get out of it if she knew how—that she is nevertheless making [useless attempts to withdraw us from France by secret applications to our Ministers in Europe] at the same time that [she] is [playing the same game by her commissioner here] and [by secret] tho' [f]rui[tless application to the Court of France] accompanied by great and [advantageous offers to that Court] which we are informd [from another quarter France has nobly rejected and] has [categorically answer'd] by declaring [she will accept no offer but the independance of the United States.] ⁷

516. JAMES MADISON TO EDMUND RANDOLPH.¹

[PHILADELPHIA, May 28, 1782.]

Dear Sir,

A letter from Docr. Franklin of the 4th of March, informs the Superintend't of Finance that the [Court of France had granted an aid of six millions of livres to the United States] for the [present year.] ²

The above letters came by the *Alliance* wch is arrived at Rhode Island. Captain Barry, I am told, says that [the Marquis] will [come] with [a squadron] for [the American coast,] which was [equipping]. If [this be true,] Barry is [wrong in disclosing it.] I [distrust it.]

A French cutter is since arrived after a short passage, with despatches for the Minister here. He recd. them on Saturday by an express from Salem, and has not yet communicated their contents to Congress.

In order to explain our public affairs to [the States, and to urge] the necessity of complying with the requisitions of Congress, we have determined to [depute two members to visit the Eastern States] and [two the Southern]. The first are [Root and Montgomery]. The others [Rutledge and Clymer.] I put this in cypher, because secrecy [has been enjoined by Congress.] The [deputation] will probably set off in a few days.³

I find that [the Minister of France has been informed by some correspondent in Virginia that the late intelligence from Britain has produced

⁶ See the *Journals*, May 22.

⁷ The delegates discourse further upon Adams's letter to Franklin Mar. 26, and Franklin's to Livingston Mar. 30 (Wharton, *Rev. Dipl. Corr.*, V. 273, 277), read in Congress May 27. See also Franklin to Morris Mar. 30 (*ibid.*, V. 278), the communication of Luzerne to Congress May 28 (*ibid.*, V. 443, and the *Journals*), Livingston to Adams May 20 and 30 and to Franklin May 30 (*ibid.*, V. 447, 459, 461).

[516]¹ Library of Congress, Madison Papers, Ac. 1081; *Writings*, I. 197; *Papers*, I. 130. The letter in Madison Papers, Ac. 1081, is not the letter addressed to Randolph, but was doubtless to Arthur Lee. However, as stated in the letter (see note 5, below), the principal part of this letter was copied directly from the letter to Randolph.

² Franklin's letter of Mar. 4 to Morris, laid before Congress May 24, is in Wharton, *Rev. Dipl. Corr.*, V. 218; one of the same date to Livingston is *ibid.*, p. 214. Bracketed words in this letter are written in cipher. The word translated "present" is not correctly so enciphered, but there is no doubt as to the meaning. The passage omitted (chiefly in cipher) is principally a comment on the fact that all this aid—and more—had already been anticipated by expenditures. Similar comment is found in the delegation letter, no. 515, *ante*.

³ See nos. 512, 515, *ante*, 518, 519, *post*.

very unfavorable symptoms in a large party. He seems not a little discomposed at it. The honour of the State concurred with my own persuasion in dictating a consolatory answer to him]. For this reason as well as for others I think it would be expedient for [the Legislature to enter into an unanimous declaration on this point.] Other [States are doing this and such a mode of] announcing [the sense of the people may be regarded as more authentic than a declaration from Congress. The best form], I conceive will be that of an [instruction to the Delegates.] Do not fail to supply me with [accurate and full informations] on the whole subject of this paragraph.

A letter from Dr. Franklin of thirtieth of March inclosing a copy of one to him from Mr. Adams at the Hague were laid before Congress subsequent ⁴ to writing the above.⁵ . . .

The Secretary of War has just given notice to Congress, that the Department of Finance is unable to supply the essential means of opening the campaign. This shocks, rather than surprises, us. It will be one article in the communications of the deputies above mentioned, and adds force to the expediency of their mission.

The denial to Congress of the right of granting flags is singular indeed. May not the power of Congress to agree to a truce be contested on the same grounds? The former is a partial truce, and if the silence of the Confederation reserves it to the States, the same silence reserves the latter. Admitting that Congress had the right of granting flags, was it not exercised to the advantage of Virginia in procuring a vent to her staple, and stopping the exportation of her specie?⁶

517. JAMES MADISON TO ARTHUR LEE.¹

PHILADELPHIA, May 28, [1782.]

Dear Sir,

I received your favour of the 16th inst. between nine and ten o'clock last night, the post having been delayed by sickness. I shall pursue your commands with respect to the bill enclosed in it. . . .

⁴ The printed texts have "subsequently", but the "ly" is a later emendation on the MS. The reading of Franklin's letter to Livingston Mar. 30 is not recorded in the *Journals* (but see no. 514, note 2, *ante*). It is in Wharton, *Rev. Dipl. Corr.*, V. 277. One of the same date to Morris is *ibid.*, p. 278. Accounts of despatches are here omitted.

⁵ After some comment upon these letters there occur, in the letter found in the Madison Papers (Ac. 1081; see note 1, above), the following passages:

"If this s'd find you at Richmond, it will be unnecessary for you and Mr. R. both to be at the labor of deciphering, the above being copied from his letter. I made this provision for the contingency of your not having proceeded to Richmond. That you may not give me more credit for it than is due, I must confess that you owe it in part to the facility with which my letter to him in cypher afforded for repeating the intelligence to you. I believe I have omitted one paragraph on another subject which he will communicate to you.

"Whitesides has the means remitted for taking up the note in which I am concerned.

[In the margin:] "I have urged Mr. R. to return and charged him to urge you. Let me hear from you on that subject, and let it be favorably. Farewell. J. M. Jr. Yr. fav'r of 21 was re'd ½ after 9 oC last night." These remarks were evidently addressed to Arthur Lee as a colleague.

The last two paragraphs of the letter to Randolph, as printed in *Writings* and reproduced above ("The Secretary of War . . . exportation of her specie"), are not found in the manuscript letter referred to.

⁶ See nos. 517, 519, *post*.

[517]¹ R. H. Lee, *Life of Arthur Lee*, II. 328 (with the date 1778). This letter was offered for sale in January, 1916, by the John Clark Company of Cleveland, Ohio.

Henry 3. → We have received no letters from Mr. Dana very lately. If I do not forget, some have been received since you left us, which contained little more than a proof that he had not become sensible of the error which his preceding letter displayed. Despatches from Mr. Jay, transmitted by Col. Livingston, have been lost to us by the capture of this gentleman by a privateer from New York. They were not however gained by the enemy. Col. Livingston is now here, but restrained by his parole from suggesting the contents of his despatches, or giving any other intelligence from that quarter.

I have written more fully in cypher to Mr. Randolph, on foreign subjects and some others, than time or prudence will permit me to repeat here. For what is omitted, I must therefore beg leave to refer you to him.

The reasons which recommend an interference of the assembly in the case of the Flags, do not I confess occur to me. If the goods included in the capitulation of York, were sold, and are to be paid for, it would seem that a mode of payment, which affords to Virginia a vent for her staple, and prevents the exportation of her specie, cannot be complained of by her.²

Notwithstanding the importance of the present crisis, the number of states in Congress does not exceed eight, sometimes seven only, and most of these represented by only two members. The president is directed to write to the unrepresented states on the subject, and urge them to supply the deficiency.³ I wish much for a re-inforcement to the delegation of Virginia, and have pushed [pressed?] Mr. Randolph to undertake that service immediately. I calculate on your return so soon as your other undertakings will permit. In the present moment it is of consequence that every delegation should be tolerably full, as well as every state represented.

518. JOHN LOWELL TO SAMUEL ADAMS.¹

[May 28 ? 1782.]

Dear Sir,

The very great Embarrassment which attends all our Operations from the Neglect in the several States to furnish their Quota of Taxes, has induced Congress to send four of their Members (two to the southern and two to the eastern States) to envite them to an immediate Attention to the Subject, by communicating to them the critical State of our Affairs, and the absolute Necessity of an immediate Supply. You will be surprized to find how truly critical this Neglect has rendered our Situation, the Delicacy and Danger of representing which by writing, has produced the Measure which Congress has adopted. Mr. Root and Mr. Montgomery

² See no. 516, *ante*, and no. 519, *post*. Omitted passages in this letter relate chiefly to foreign affairs, which are also discussed in the letters to Randolph.

³ See the *Journals*, May 27, and no. 516, *ante*; also Randolph to Bland, May 25, in *Bland Papers*, II. 82. May 20 Madison wrote to James Madison, sr.: "It has at no time been more difficult for me to fix my probable return to Virga. At present all my colleagues have left Congress except Col: Bland, and it is a crisis which calls for a full representation from every State." *Writings*, I. 194.

[518]¹ N. Y. Pub. Lib., Samuel Adams Papers.

are the Gentlemen who visit our State, with both of whom I think you are personally acquainted. Govr. Rutledge and Mr. Clymer go to the Southward.²

519. JAMES MADISON TO EDMUND RANDOLPH.¹

PHILADELPHIA, May 29, 1782.

Dear Sir,

. . . . I wrote you yesterday morning by the post, fully and in Cypher.² As I am told however the Bearer will probably be in Richmond before the Post, it may not be amiss to repeat to you that we have heard nothing from Carlton since our refusal of the passport to his secy, and that we have authentic information from Europe that insidious attempts have been made both on Doctor Franklin and Mr. Adams, by British Emissaries, as well as tempting overtures employed to divide our Ally from us. . . .

A Copy of sundry resolutions of the House of Delegates touching the exportation of Tobacco in the Flags was laid before Congress yesterday by the Superintend't of Finance and referred to a Committee. On a review of the Doctrine of the 9th Art. of the Confederation I believe the Right of the State to prohibit in the present case the exportation of her produce can not be controverted.³ The States seem to have reserved at least a right to subject foreigners to the same imposts and prohibitions as their own Citizens; and the Citizens of Virga. are at present prohibited from such an exportation as is granted in favor of the B. Merchants. This is a very interesting point and unless the division line between the Authority of Congress and the States be properly ascertained, every foreign treaty may be a source of internal as well as foreign controversy. You will call to mind one now in negociation, which may be affected by the construction of this clause in the Confederation. Congress have no authority to enter into any convention with a friendly power which would abridge such a right. They cannot have a greater authority with respect to a Hostile power. On the other side it is equally clear that the State has no authority to grant flags for the exportation of its produce to the Enemy. Armed Vessels wd not respect them, nor would they be more respected in the Courts of Admiralty. Unless Congress and the State therefore act in Concert no tobacco can be remitted to N. Y., and a further drain of specie must ensue. When the matter was first opened in Congress the impression was unfavorable to the right of the State, and pretty free strictures were likely to be made on its opposition to the constitutional power of Congress. It became necessary therefore to recur to the law and the testimony which produced an acquiescence in the contrary doctrine. Their sentiments however with regard to the policy and consistency of the Resolutions are very different. The last Resolution in particular compared with the preliminary doctrines produces animadversions which I

² See the *Journals*, May 22, and nos. 515, 516, *ante*, 519, 529, 536, 544, 555, *post*.

[519]¹ Library of Congress, Madison Papers, Ac. 1081; *Writings*, I. 200; *Papers*, I. 134.

² See no. 516, *ante*.

³ The passage, "The States . . . Confederation", is on a separate sheet, marked for insertion at this point.

need not recite to you. There are several reasons which make me regret much this variance between Congress and Virga. of which a material one is that a great Personage will be touched by it since it originates in his Act, and since in a conference between a Committee, him and the Superint't he concurred in the expediency of granting the passports.⁴ Gillon is just arrived here with full sail of the Havannah fleet: I have not yet heard whether he brings news or not. . . .

520. WILLIAM FEW TO JAMES JACKSON.¹

PHILADELPHIA June 2d 1782.

Dear Sir,

In order to curtail this Epistle I enclose you the latest news papers which contains all the domestic intelligence—Britain has changed her Ministry and they it seems are disposed to change the system of the War in America, but we see no reason to believe that it is their intention to yield us our Independance or cease to exercise every means in their power to injure and destroy us. Finding they cannot by force accomplish their diabolical designs they are now about trying the effect of artifice and Intrigue. An Emmissary has been sent by the British Minister to Mr. Adams at the Hague requesting to know if any person from America was vested [with] the power of negotiating a seperate peace. About the same time a secret Agent was sent to the Court of Versailles, proposing a seperate peace with France and offering to give them up all their conquests in the West Indes and some advantages in the East Indes—the French Minister answered that any propositions for peace that did not contain the Independance of America was inadmissable. Thus we see their nefarious schemes subverted and a contrary effect flow from it, for it will tend more warmly to attach and unite France and America and increase that growing confidence between the two Nations.

Please to remember me to all enquiring Georgians and believe me to be with much esteem Your assured Friend.

W FEW.

⁴ The "great personage" was evidently Washington. See nos. 516, 517, *ante*, the *Journals*, May 28 (p. 308 n.), 29, 30, and Robert Morris to Daniel Clarke May 30, in Wharton, *Rev. Dipl. Corr.*, V. 448. Morris's letter deserves to be read for reasons quite apart from its relation to this particular controversy. As preliminary to the resolutions of the House of Delegates mentioned in the *Journals*, May 29, and in Morris's letter to Clarke, see Governor Harrison's letter to Clarke May 9, his letter to the attorney general May 13, and his letter to the speaker of the House of Delegates May 14, in *Official Letters*, III. 206, 222, 223. See also *ibid.*, p. 391, and no. 713, *post*. June 14 the Virginia assembly adopted the following resolution:

"Whereas the Honorable John Rutledge and George Clymer esquires two members of Congress have appeared in this house and have given a satisfactory explanation of the expediency of the Proceedings of Congress touching the Pass ports granted to certain flag-vessels loading six hundred and eighty five hogsheads of tobacco in this state

"Resolved that the governor be desired to give every necessary assistance for carrying the Views of Congress and their Financier into due effect respecting the lading and clearing the said vessels with the aforesaid quantity of tobacco." Va. State Library, Executive Papers. Cf. Madison to Randolph, June 6, *Writings*, I. 206.

Randolph wrote to Madison June 15: "The house of delegates assented to the measure by a majority of ninety to ten or eleven, and the senate heard not a single negative. Mr. Rutledge is said to have been the parent of this revolution, and effectually to have converted all the leading members except Mr. R. H. Lee, whose perseverance remained undiminished by his arguments." Library of Congress, Ac. 1081.

[520]¹ Hist. Soc. of Pa., Gratz Coll., M. O. C.

521. JAMES MADISON TO EDMUND RANDOLPH.¹

[PHILADELPHIA, June 3 ? 1782.]

[*Dear Sir,*]²

General Washington has transmitted to Congress sundry informations he has recd. of preparations at N. Y. for expediting from thence a considerable number of ships.³ Whether they are to convoy troops and whither, or to bring off troops from other places, is uncertain. He has also transmitted to Congress an answer to him from Genl. Carlton on a demand made at the instance of the Legislature of S. Carolina of a retransportation of the exiles at the expence of the King of G. B. This demand was instituted not executed during the command of Clinton, from whom an imperious refusal was calculated upon. In pursuance of the views of the new system, his successor weeps over the misfortunes of the exiles, and in the most soothing language that c'd be framed, engages to comply fully with the application. This incident at once mortifies our pride and summons our vigilance. We have nothing further from Carlton on the main point.

The communication expected in my last from the M. of F. has been recd. and afforded a very seasonable occasion which was improved, of renewing the assurances suited to the present crisis.⁴

522. THE SECRETARY OF CONGRESS TO THE SUPERINTENDENT OF FINANCE (ROBERT MORRIS).¹

SECY'S OFFICE June 4th 1782.

Sir,

The reading of the letter from Mr. Deane which with Governor Trumbull's answer you this day transmitted to Congress² brought to mind, that

[521]¹ Library of Congress, Madison Papers, Ac. 1081; *Writings*, I. 205; *Papers*, I. 138.

² The first part of this letter is probably missing. It bears neither date nor salutation.

³ Washington's letter of May 28, read in Congress June 3, is probably here referred to. Cf. no. 523, *post*.

⁴ This renewal of assurances is in a resolution of May 31.

Robert Morris wrote to Washington June 4: "Since I wrote you in Cypher relating to the Loan in France I have received Letters from Doctor Franklin which made it proper to communicate the Matter to Congress. By those Letters and by Communications from the french Minister on the Part of his Court it appeared that Mr. Franklin had already anticipated the whole of this Loan excepting the small Part which I have drawn for, so that we can count upon nothing from that Quarter towards the Relief of our Necessities." It was principally for this reason, he said, that he had recommended sending committees to the eastern and southern states (Library of Congress, Washington Papers). See no. 519, note 4, *ante*.

[522]¹ Library of Congress, Papers Cont. Cong., no. 49, f. 411.

² The *Journals* contain no record of the reading of these letters June 4 (no proceedings of that day are recorded), but an editorial note under June 5 (p. 319 n.) mentions that they were read that day, having been transmitted by the superintendent of finance with a letter of his own, June 2. Deane's letter to Trumbull, Oct. 21, 1781, is in Mass. Hist. Soc., *Collections*, seventh ser., III. 292; Trumbull's reply, May 15, 1782, together with his letter to Secretary Livingston, is *ibid.*, p. 349. Deane's letter is also in Wharton, *Rev. Dipl. Corr.*, IV. 797; Trumbull's letter to Livingston, dated May 23, 1782, is *ibid.*, V. 437. See also Livingston to Luzerne June 7, and to Trumbull June 12, *ibid.*, pp. 481, 488. Cf. nos. 430, 432, *ante*, and no. 529, *post*.

one of the Vessels of War belonging to the United States is called the *Deane*. As the person after whom she was named has by his perfidy and defection forfeited all title to every mark of honor or respect I am authorised to inform you that although Congress think it beneath their dignity to pass an Express resolution for changing the name, yet another name will be more agreeable to them, and that you will be justified in making the change.

N B. After the letter from Deane to Govr. Trumbull and the governor's answers were read Mr. Lowell observed that a Vessel of war belonging to the United States was called *Deane*; that the person after whom it had been named had acted such a part that it was in his opinion improper that any vessel of the U S. should bear his Name Whereupon the sense of the house was taken and the Secretary was directed to intimate to Mr. R Morris Agent of Marine that it will be proper to change the name of the *Deane* frigate.³

523. JOHN MORIN SCOTT TO GEORGE WASHINGTON.¹

PHILADELPHIA June 4th 1782.

Sir,

The immediate departure of the Post leaves Me barely the Opportunity of a few Moments to trouble your Excellency on a Subject of a delicate Nature. Your Letter to the Secretary at War of the 28th last contains a Passage, which he at your Request has laid before Congress, "that such Measures may be taken thereon as they shall think proper to direct." The passage to which I allude, is that which respects those Inhabitants of the State of South Carolina which in defiance of good Faith, and breach of the Capitulation of Charles town, have been exiled from their Habitations by the Enemy. This passage together with a Copy of Sir Guy Carlton's Letter in answer to yours of the 21st last on that Subject have been referred to a Committee, of which I have the Honor to be Chairman, to report thereon. The committee are ignorant on what Grounds You placed your Application to the British Commander in Chief; and are the more anxious for information from your Excellency from a due attention to certain Strokes in [the] passage alluded to, expressive of your Feelings on this delicate Subject. They will therefore be much obliged by a Copy of your Application to the British Commander in Chief in Behalf of the injured Capitulants, should such a Communication render itself proper in your Judgment, that they may be enabled to report on the fullest Information, concerning a Matter which so nearly concerns the Honor of these united States.²

³ The first part of the letter is in the writing of a clerk; that beginning "N B." is in Thomson's own hand.

[523]¹ Library of Congress, Washington Papers.

² The letter from the secretary at war, dated June 3, was referred to the committee (Scott, Boudinot, and Ramsay) the same day (*Journals*, p. 315 n.). On June 13 a letter from Washington to Congress (June 6) relating to the subject was referred to the same committee (*ibid.*, p. 329 n.). Washington's reply (June 10) to this letter of June 4 from the committee was probably received by the 14th, for on that day the committee made its report.

524. JAMES DUANE TO PHILIP SCHUYLER.¹

MANOUR LIVINGSTON 4th June 1782.

Dear Sir,

. . . . My Journey to Philad. is decided. Mr. Attorney General² declares he cannot attend without deeply injuring his private Affairs: and Mr. Lhommedieu has had lately a long Session with the Assembly. *I can have no Objection! Young and rich and vigorous*, and of *little* Consequence to my Family, why should I fear the summers Heat in an unhealthy Climate? Is not the *Honour* of serving as a member of Congress—tho' so many others have shaken it off—quite a sufficient Consideration for *me*; and abundantly productive of Peace and Comfort to *my* Family, of Improvement and Instruction to *my* Children! and will it not lay a sure foundation for plenty and Affluence in old Age? I am surprised so wrong an Estimate is made of this sovereign office by Gentlemen who, in other Respects, seem to have no marks of Insanity about them: and indeed Judge of other things with the utmost precision! but enough of this—I *will* go! The State *shall not* be unrepresented: tho' I had some little pretensions to have chosen my Tour in the Fall, and it was the only Indulgence I claimed.

. . . . Strange that the financier, in spite of every Remonstrance, should persevere in the Idea that this State is able to pay the Tax assessed upon it! and more unaccountable that he should find a Native of this State to encourage that Opinion, probably to beget as well as to foster it! I suppose no Citizen will be deemed a Competent Witness; or Mr. R. Livingston, one of the publick Ministers—who has felt and complained and remonstrated for years against the Weight and disproportion of our Taxes, might have set the Disability which we have stated, in a clear Light. Rivington who has been furnished with the Representation of the State, and the animadversions of the Financier, and published them in a Manner which do no Honour to a certain silly Knight, has given the World an opportunity of judging, and our Enemies of triumphing!

[P. S.] Is it, my dear Sir, the Intention of the Legislature to make me a *common* Creditor for the Advances I made for the State to pay my Board and house keeping at Philadelphia? I hope a Sentiment so ungenerous is not entertaind. I give you my Honour that I have borrowd Money for my support, that I am in debt for necessaries, and know not how to pay it. If nothing better can be done why was I not permitted to borrow on the Credit of the State? or, at my Election, to take vacant Land for the amount? If I am not on the footing of the great officers of the state, I might be permitted to share the fortune of the Soldier? Instead of this no more than ten weeks Supply (£150), is provided, and I am called upon, with that *plentiful* stock, to repair to one of the most extravagant Cities in the World!

[524]¹ N. Y. Pub. Lib., Schuyler Papers, no. 561.² Egbert Benson. See Clinton to Scott June 6, *Clinton Papers*, VIII. 6.

525. TURBUTT WRIGHT TO JOHN HALL.¹

PHILA. 4th June 1782.

Dear Sir,

Capt. Asgill of the Guard is the Officer on whom the Lott has fallen to die for the Sins of his countrymen in the cruel and barbarous Murder of Capt. Huddy. He came to this city last Wednesday under Guard, and on Thursday went on for Head Quarters where he will most certainly meet his Fate if the real Murderers of Huddy are not delivered up. He is quite a Youth, not more than 19 or 20 years of Age, but seems to feel most sensibly the Weight of his misfortunes. A British Officer was some Days ahead of him, on his Way to N York to solicit Carleton in his favor. The Situation of the last must be very delicate. The Importunities of the Officer on the one hand in favor of their Brother, and on the other the fear of disobeying the Refugees by delivering up *their Brother* Lippencott, must embarrass Sir Guy exceedingly. Clinton got out of this Difficulty very reasonably.²

Not one Word from Sir Guy yet on the grand Business, tho' some Persons are in hourly Expectation of hearing from him: For my Part I have not the least Desire to have any Communications from the Gentleman. if any Propositions are to be made that America can listen to, the Way is open on the other side the Water, where there are Persons properly authorized to treat in Conjunction with our Allies, to them let the Applications be made.³

Are we to have no other Member of Congress sent in Addition to those who are here? Believe me it is necessary, and particularly so at this Time, to have a full Representation in Congress. Business of very great Importance may come upon the Carpet, which will require the Attendance of all the Delegates. At Present we have only eight States represented, and not more than two members attending from any one, and for some Time past only seven States were attending; this Circumstance from the nature of our Constitution is productive of very great Delay, as no Motion can be carried into Effect without the Concurrence of seven States at the least. Upon the whole I find the Duty extremely heavy, and the Rewards light. I can't think of remaining long in this Situation. . . .

526. JOHN HANSON TO JOHN HALL.¹

PHILADELPHIA June 4th 1782.

My Dear Sir,

. . . . I very sincerely wish you may adopt the five per Ct. Duty in the manner recommended by Congress, because I think an impost on all imported goods is a mode of Taxation the easiest that can be proposed.

[525]¹ Hist. Soc. of Pa., Dreer Coll., M. O. C.² See the *Journals*, Apr. 29, and no. 493, *ante*, nos. 602, 603, 613, 668, 675, 677, 680, 682, *post*.³ See the *Journals*, May 14, and no. 505, *ante*; cf. the *Journals*, Aug. 12, and nos. 586, 588, 589, *post*.[526]¹ Md. Hist. Soc., Gilmor Papers, III. 3.

The Merchants in the first Instance pay and the people insensibly refund, every man pays in proportion to What he chuses to Consume. The Extravagant man pays for his folly and the foreigners and strangers Among us are made to Contribute. . . .

527. THE VIRGINIA DELEGATES TO THE GOVERNOR OF VIRGINIA
(BENJAMIN HARRISON).¹

S'r,

PHILADA. June 4th, 1782.

. . . . We find, in a Report the Superintend't of Finance has made to Congress, the Substance of his letter to you on the Subject of Stores, and have Since had a Communication with the minister of France on that Subject, who, informs us he answerd your letter, to him, relative thereto,² and he hopes satisfactorily, but requested us to acquaint Your Excellcy, "that the Misfortune which the Count de Guichens Convoy had met with, rendering it very difficult, for the Ministry to procure transports for the Supply of their own fleets and Armies and to bring out the Supplies orderd for the United States, he feard it would not be practicable to send out those which had been purchased for the State of Virginia in any short time. He gave us to Understand, that the transfer of the Debt from the State of Virginia to the United States had been a Misunderstanding of the Ministry, or some of the Under offices, and that it would be revoked and accommodated to all parties.["] We think however it would not be imprudent in the State of Virginia (if they wish soon to have those Stores), to provide transports for them and to obtain the same Convoy as those Vessels which are to bring out those belonging to the Un: States.

The Count de Beniousky having renewd to us an offer which has been made to Congress, and not accepted as will be seen by the Enclosed papers No. 1, 2, 3, 4, and 5, The Rejection of his offer to Congress arose from a doubt in two or three of the States concerning the Propriety or policy of their being accepted by Congress.³

528. JAMES MADISON TO EDMUND RANDOLPH.¹

Dear Sir,

PHILADELPHIA June 4th 1782.

. . . . According to your request I send an authenticated extract from the Journals of the vote of Congress on the clause which interdicts British Manufactures.² It has however been for some time in print, and will

[527]¹ Va. State Lib., Executive Papers (signed by Bland and Madison); *Cal. Va. State Papers*, III. 185.

² See no. 515, *ante*.

³ See the *Journals*, May 6 (p. 243 n.), 10, 24, 29. The enclosures referred to (found in Va. State Lib., Executive Papers) were: Beniowszky's proposals, plans, explanations, etc. See *Official Letters*, III. 250, Wharton, *Rev. Dipl. Corr.*, V. 314, and Fitzpatrick, *Calendar* of Washington's correspondence with the officers (index).

[528]¹ Library of Congress, Madison Papers, Ac. 1081; *Writings*, I. 203; *Papers*, I. 136.

² The reference is doubtless to the ordinance ascertaining what captures on water shall be lawful, adopted Dec. 4, 1781, and amended Feb. 26, 1782. Both the original and the amending ordinance were issued as broadsides.

probably be at Richmond before you receive the manuscript copy. The arguments urged against the measure appear to me in the same light in which you describe them. The policy of G. B. in the capture of St. Eustatius has been constantly reprobated by some of the wisest statesmen. But whatever her policy might at that period be, it is manifest that a very different one is now pursued. British goods are issued from the Enemy's lines with greater industry than they have ever been, and as is universally believed, with the knowledge, if not at the instigation of those in power. Indeed they would counteract their new system in doing otherwise. The sense of the Eastern States will appear from the ays and nos on the question. Mr. Adams in his last despatches ascribes much of the late pacific symptoms in the British nation, and of the facilities which begin to attend the mission in Holland, to our proscription of the British merchandize. . . .³

529. THE CONNECTICUT DELEGATES TO THE GOVERNOR OF CONNECTICUT
(JONATHAN TRUMBULL).¹

PHILADELPHIA, June 5th, 1782.

Sir,

. . . . Your letters to the President were seasonably delivered and tho Congress seemd to think Dean, or his letters in themselves considered, not worthy of notice, yet they seemd highly pleased with your answers considered in a publick light, and ordered the same to the Minister of Foreign Affairs.² A word has not been said in Congress with respect to the dispute between Connecticut and Pennsylvania, tho some gentn. out doors employd by this State have conversed with us on the subject and proposed a conference, so far as to know each other's concessions, to save trouble and expence, and indeed mention something about our agreement on the commissioners, etc. We are unhappy in Coll. Root's leaving Congress at this season, which was a few days before our arrival, and will render it improper for Coll. Dyer, being but one out of 3 agents, to act any thing in the affair, not only as Coll. Root's assist'ce would be much needed, but the power of one might be questioned. We hope his return will be hastned as far as possible, as every thing respecting that dispute must be postponed till his return.³ A news paper or two will give you all the news here, and perhaps will be only a return of what you have had before.

³ The remarks of Adams referred to are found in his letter to Livingston Mar. 10, Wharton, *Rev. Dipl. Corr.*, V. 333. The remainder of Madison's letter pertains to accusations against Robert Morris as superintendent of finance. Among other remarks Madison says: "Every member in Congress must be sensible of the benefit which has accrued to the public from his administration; no intelligent man out of Congress can be altogether insensible of it. . . . I have in the conduct of [my colleague here, a sure index of the sentiments and objects of one of my colleagues who is absent, relative to the department of finance]." (Bracketed words are in cipher.) The colleague present was Bland; the one absent was Arthur Lee.

[529]¹ Mass. Hist. Soc., *Collections*, seventh ser., III. 355 (signed by Dyer and Benjamin Huntington).

² See no. 522, *ante*.

³ See nos. 512, 516, 518, 519, *ante*, and nos. 536, 544, *post*. In a letter to John Morin Scott June 6 (*Clinton Papers*, VIII. 6) Governor Clinton speaks of his conference with Root and Montgomery.

530. JAMES DUANE TO PHILIP SCHUYLER.¹

MANOUR LIVINGSTON 10th June 1782.

Dear Sir,

. . . . Mr. Deane² called upon me in his way to Philada. and shewd me his papers. I told him frankly that the Accounts of his Disbursements, and the proof of the Time he first enterd on the publick Service, were well authenticated and woud admit of no Dispute: But that I was very confident unless he obtained a Voucher from the Commissioners of the Time he had spent in the publick Service, he must necessarily be referred back to them, and his long Journey woud produce nothing but Mortification and Expencc. I know the Mode in which the Contractor transacts business: he is precise, they say, too critically: I mean that this is the Complaint of Accountants—It is an Objection which will loose him no Interest with the publick. My Observations have induced Mr. Deane to return that he may obtain from you and Mr. Douw the Voucher, I have pointed out. If Mr. Deane wishes to be continued in the office he enjoys, It will be necessary in my Opinion that he shoud be armed with a Certificate that the Commissioners conceive they stand in need of an Agent to manage the publick affairs with the Indians. The Spirit of Retrenchment will otherwise put an End to this office infallibly. If I was asked by Congress whether it was necessary that in the present posture of our Finances it ought to be continued; I must answer in the Negative: tho' I confess I am not a competent master of the Subject: and I shoud be sorry to have the point decided on my single Opinion.

. . . .

531. JOHN HANSON TO JOHN HALL.¹

PHILADELPHIA June 11th 1782.

My Dear Sir,

I thank you for your favour of the 7th Instant. I shall rejoice to hear of the passage of a law establishing the 5 per Ct. Duty agreeable to the request of Congress and if it is for a limited time I hope it will be for so long a time as to Effect every purpose.²

The Continental Treasury is very low indeed, nothing paid in by Any of the States. what will be the Consequence Should our Bank fail? And what can Support it if the Tax's are withheld?

[530]¹ N. Y. Pub. Lib., Schuyler Papers, no. 562.

² James Deane, agent and interpreter for the commissioners for Indian affairs in the Northern department. Concerning his accounts see the *Journals*, July 2, 8.

[531]¹ Hist. Soc. of Pa., Dreer Coll., M. O. C., II. 63.

² Cf. no. 526, *ante*. The omitted passage relates principally to the recent engagement between the French and British fleets and the present relative strength of the two fleets. A similar account is omitted from the letter of the Virginia delegates, June 11 (no. 532, *post*).

532. JAMES MADISON TO EDMUND RANDOLPH.¹PHILADA. 11 June, 1782.²*Dear Sir,*

. . . . Sir G. Carlton still remains silent. The Resolutions which the Legislatures of the States are passing may perhaps induce him to spare British pride the mortification of supplicating in vain the forgiveness of rebels.

Mr. [Izard,]³ warm and notorious as his predilection for [the Lees] is acknowledges and laments the opposition made [by them] to measures adapted to the [public weal.]

The letter in the first page of the Gazette of this morning was written by [Mr. Marbois.] In an evening of promiscuous conversation I suggested to him my opinion that the insidiousness of the British Court, and the good faith of our ally, displayed in the late abortive attempt of the former to seduce the latter, might with advantage be made known in some form or other to the public at large. He said he would think of the matter, and next day [sent me] the letter in question, with a [request that I would revise and translate it for the press], the latter of which was done. I mention this that you may duly appreciate the facts and sentiments contained in this publication.⁴

533. THE VIRGINIA DELEGATES TO THE GOVERNOR OF VIRGINIA (BENJAMIN HARRISON).¹PHILADELPHIA June [11?] 1782.²*Sir,*

This days post brought us Your Excellency's favor of the first of June enclosing the Resolution of May 28th relative to the Commissioners for settling the Accounts of the State, as also, a letter for the Chevr de la Luzerne, and a Copy of Resolutions of the Assembly of the 23d of May, relating to the transaction of Col: Harrison with that Minister, all of which shall be duely attended to.³

[532]¹ Library of Congress, Madison Papers, Ac. 1081; *Writings*, I. 207; *Papers*, I. 140.

² See the letter of Robert Morris to Randolph, June 11, in *Madison Papers*, I. 142. In the close he says: "For Heaven's sake let us owe our freedom to ourselves! We have the means, if we dare to use them."

³ Words in square brackets are in cipher. The cipher here is simply 664, that is, "Z"; but Randolph interpreted it as meaning Izard, and he was no doubt correct. Izard had taken his seat June 7.

⁴ The letter, dated June 9, was printed in the *Pennsylvania Packet* of June 11, 1782, preceded by this introductory note:

"The following Extract of a Letter, written from Philadelphia by a Gentleman in Office, to one of the principal Officers in the State of New Jersey, cannot fail to be acceptable to the Public. We are authorised to vouch for the Authenticity of the Facts contained in it."

The letter is reprinted in the *Madison Papers*, III. xxxv.

[533]¹ Copied from the original, then in the possession of Mr. Stan. V. Henkels of Philadelphia (signed by Madison and Bland); *Cal. Va. State Papers*, III. 202.

² The Virginia delegates wrote to the governor as a rule on Tuesday of each week. The date of this letter was therefore probably Tuesday, June 11.

³ The letter to Luzerne, May 31, is in *Official Letters*, III. 238 (see no. 515, note 4, *ante*); that to the delegates, June 1, is not found there.

534. SAMUEL OSGOOD TO THE SECRETARY OF THE COMMONWEALTH OF MASSACHUSETTS (JOHN AVERY).¹

PHILADELPHIA June 12th, 1782.

Dear Sir,

. . . . I hope in a short Time to have the Pleasure of seeing my Friends in Massachusetts here I cannot stay; not for Want of Health, which I enjoy in a tolerable Degree at present: But for Want of the Means to continue it. I have been this Week honored with a Draught on the Treasurer made last January returned for non Payment. I should have been very happy to have had a Single Line from any Body informing me of the true Reason why it was returned—there can subsist but two Reasons; either I have drawn for two [*sic*] much in the Course of last Year; or, the Treasurer was not able to discharge it—either of which Reasons are sufficient to make me exceeding anxious to return. Return I must—Because I cannot now ask a Gentleman in this City to take a Draught upon Boston, or rather our Treasurer. And I cannot live here without the Means of living. I wish for no more than a decent support, And the whole Amount of my Draughts are considerably short of that. However I feel perfectly easey because I am entirely willing to be here or at Home, or any where else. I ask no Favors. if I can be useful to my Country it will afford me Pleasure in any Situation. If I cannot I wish to live retired; it is a Life that pleases me most.²

535. THE SECRETARY OF CONGRESS TO THE SECRETARY FOR FOREIGN AFFAIRS (ROBERT R. LIVINGSTON).¹

OFFICE OF SECRETARY OF CONGRESS

June 14, 1784 [1782].

Dear Sir,

The letter to his Most Christian Majesty as reported has been agreed to. I enclose a copy that you may have a draught prepared. It is the pleasure of Congress that it be signed by the President and countersigned by you and that the Seal of the United States should be used in sealing the letter ²

536. THE CONNECTICUT DELEGATES TO THE GOVERNOR OF CONNECTICUT (JONATHAN TRUMBULL).¹

PHILADELPHIA, June 17th, 1782.

Sir,

Your Excellency's letter of the 7th instant was recd. the 13th.² We should be happy to hear that Mess'rs Montgomery and Root have been so successful in executing their trust as to produce great and good effects to the United States.³

[534]¹ Mass. Arch., CCIV. 158.² Cf. no. 418, note 2, *ante*.[535]¹ Library of Congress, Papers Cont. Cong., no. 55, f. 255.² See the *Journals*, June 13.[536]¹ Mass. Hist. Soc., *Collections*, seventh ser., III. 358 (signed by Dyer and Benjamin Huntington).² Governor Trumbull's letter was laid before Congress June 14 (*Journals*, p. 333 n.).³ Concerning the mission of Montgomery and Root see nos. 515, 516, 518, 519, 529, *ante*, no. 544, *post*, and the *Journals*, July 15, 18.

The copy of the Act of Assembly transmitted by your Excellency empowering Congress to levy and collect duties on importations in our State was read in Congress, and seemed to meet with their general approbation. The caution therein taken to preserve our own rights, and to prohibit the expenditure of any part of the money so collected upon the half-pay-establishment, was particularly pleasing to some. A Committee is appointed to draught an ordinance to regulate the collections, but this cannot be compleated untill Rhode Island and Maryland have passed similar Acts, the other States having already done it.⁴ . . .

537. ELIPHALET DYER TO ROGER SHERMAN.¹

PHILADELPHIA June 17th, 1782.²

Sir,

I received your kind favor of the 7th instant. We arrived in this place in about 9 days after set out from Hartford, tarry'd one day at New Windsor being the Sabbath, find Congress composed of an agreeable set of gentlemen, affairs goe on with Decency and Harmony, tho' far from that Crowd of Important business which formerly pressed on Congress, the principal objects are to lessen our Expenditures as far as possible tho' I find the Establishments in many Departments much too high which am informed arose from their being made at a time when the new Currencies of paper Bills were to take place tho' on one hand esteemed as solid cash in nomination, yet at the time known as a fact that they were not of half the real value by which means a high sum was given which they find difficult to reduce even where it must be paid in specie. The regulating the courts of appeal etc. are under consideration,³ also a committee appointed⁴ to make a Draught for establishing and collecting the Impost proposed to be laid. We have received the act from our Assembly, but there are still two or 3 States behind, tho' we hear they have passed the necessary acts yet they are not transmitted to Congress.

. . . .

⁴ The resolve calling upon the states for power to levy a duty of five per cent. on imports and prize goods was adopted Feb. 3, 1781. The committee (Duane, Clymer, and Bee) to draft an ordinance to regulate the collection of the duties was appointed Apr. 23, 1781. On June 13, 1781, McKean was put upon the committee in place of Duane. See also the letter of the superintendent of finance Feb. 11 (Wharton, *Rev. Dipl. Corr.*, V. 152), and the *Journals*, Feb. 11, Mar. 15, 26. For responses of the states see the *Journals*, Mar. 15, 22, 1781, June 14, 1782 (Connecticut); Mar. 26, Apr. 19, 1781, July 1, 1782 (Massachusetts); Apr. 5, 1781 (New York); Apr. 23, 1781 (New Hampshire); June 13, 1781 (New Jersey); July 16, 1781 (Virginia); Oct. 4, 1781 (North Carolina); Feb. 19, 1782 (Delaware); July 15, 1782 (Maryland). The responses of Pennsylvania and South Carolina do not appear to have found record in the *Journals*, but the act of the former is dated Apr. 5, 1781, that of the latter, February, 1782. Georgia failed to comply, while Rhode Island definitely refused assent. See nos. 537, 569, *post*.

[537]¹ Library of Congress, Force Trans., Sherman, p. 344.

² Benjamin Huntington wrote to Andrew Huntington June 17: "I Recd. yours by Mr. Brown with the Accounts it Covered and shall take the first Opportunity to lay it before the Committee of Congress Appointed to Receive all Such Matters and will Acquaint you with the Result as soon as known" (Mass. Hist. Soc., Wolcott Papers). See the *Journals*, July 2 (p. 390), and no. 552, *post*.

³ Concerning the Court of Appeals see no. 456, *ante*.

⁴ The transcript has "counter appointment". See no. 536, *ante*, and no. 569, *post*.

538. THE VIRGINIA DELEGATES TO THE GOVERNOR OF VIRGINIA
(BENJAMIN HARRISON).¹

PHILADA. 18th June 1782.

Sir,

The Post having been robbed of his mail on his return through Maryland, we had not the honor yesterday of receiving any letter from Your Excellency. If it reaches us at all it will probably be through the channel of the New York Gazette.²

Since our letter of the 4th instant which inclosed a proposition from [Count Beniouski some circumstances have come to our knowledge] which induce us to [believe] that [altho' for the reasons stated in our letter he is not to be classed with common adventurers yet his professions and undertakings greatly exceed his resources for fulfilling them.] In particular we have decisive evidence that [(he) cannot command the aid of the French Court in raising and transporting his legion and it is of itself evident that no private funds can be equal to such an expence.] We do no injustice to [his character in adding that the effect of the rejection of his plan by Congress has betrayed a temper which is very far from enhancing our esteem for him.]³

The destination of the fleet which lately sailed from N. York is still unknown; nor have we rece'd a word of intelligence from any other quarter.

P. S.

539. JAMES MADISON TO EDMUND RANDOLPH.¹

PHILADA. 18th June, 1782.

Dear Sir,

. . . .² The trade with N. York begins to excite general indignation and threatens a loss of all our hard money. The continued drains which it makes from the bank must at least contract its utility, if it produces no greater mischief to it. The Legislature of N. Jersey are devising a remedy for this disgraceful and destructive traffic, and a Committee of Congress are also employed in the same work. I have little expectation that any adequate cure can be applied, whilst our foreign trade is annihilated and the enemy in New York make it an object to keep open this illicit channel.³

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[538]¹ Va. State Lib., Executive Papers (signed by Madison and Bland); *Cal. Va. State Papers*, III. 197 (extract).

² See the *Journals*, June 19, July 14, 18, 25; cf. no. 539, *post*. President Hanson's letter to the president of Pennsylvania, June 19, in compliance with the resolve of that date, is in Hist. Soc. of Pa., Dreer Coll., M. O. C.; *Pa. Arch.*, first ser., IX. 560.

³ Words in square brackets are written in cipher. See nos. 515, 527, *ante*.

[539]¹ Library of Congress, Madison Papers, Ac. 1081; *Writings*, I. 209; *Papers*, I. 143.

² The first part of the letter relates to the capture of the mail (see no. 538, *ante*) and the consequent need for extending the use of cipher in their correspondence.

³ See the *Journals*, June 14 (p. 333 n.), 21, July 1, 11, 12, 17, and nos. 540, 542, 551, *post*.

P. S. I have written to Mr. Jones. If he s'd not be at Richmond open the letter.

[*On a separate sheet:*] If Mr. Jones s'd be at Richmond you will of course let him have a perusal of the inclosed papers etc.

540. JOHN TAYLOR GILMAN TO THE PRESIDENT OF NEW HAMPSHIRE (MESHECH WEARE).¹

PHILADELPHIA June 19th, 1782.

Sir,

This is Just to Inform you that I Arrived here the 17th Inst't. The Southern Mail was taken, a few days Since in which it was said were many Letters of Importance.

I find great Complaints for want of Money, a very Considerable part of the Specie Imported, is carried to New York to purchase Goods of our Enemies which will have a direct Tendency, not only to drain the Country of Specie, to assist our Enemies and give Offence to our Friends, but (in my Opinion) to protract the War. the Number of Persons who feel the (private) benefit of this Trade is so great, that it is the Opinion of some any further Attempts to prevent the Same would be Idle. It is said a Vessel was lately Seized going from New Jersey to New York with 14,000£ Specie on board.² I hope New Hampshire will soon have a Representation in Congress as it is of much Importance not only to them, but to the Union that every State Should be Represented.³ I believe great Dependance is made on Taxes from the Several States, but you will without doubt be particularly Informed on this Head, as well as others by the Committee from Congress.

541. CHARLES THOMSON TO WILLIAM BARTON.¹

Sir,

I am much obliged for the perusal of the elements of Heraldry which I now return. I have just dipt into it so far as to be satisfied that it may afford a fund of entertainment and may be applied by a State to useful purposes. I am much obliged for your very valuable present of Fortescue "*De Laudibus Legum Angliae*," and shall be happy to have it in my power to make a suitable return.

I enclose a copy of the Device by which you have displayed your skill in heraldic science, and which meets with general approbation.²

June 24, 1782.

[540]¹ Mass. Hist. Soc., C 81 B 78.

² Cf. no. 539, *ante*, and no. 542, *post*.

³ John Morin Scott wrote to Governor Clinton the same day and to the same effect, but reiterating his own purpose to return home (N. Y. State Lib., Clinton Papers, no. 4604). It was doubtless this letter to which Clinton replied July 29 (*Clinton Papers*, VIII. 16), although Clinton there refers to "your Letter of the 19th Inst".

[541]¹ Mass. Hist. Soc., *Proceedings*, first ser., IX. 351; *Classical Journal*, XVIII. 393.

² In the *Proceedings* of the Massachusetts Historical Society, as above noted, Thomson's letter is embodied in some papers of William Barton relating to the seal. The letter is preceded by some "Remarks on the Device of the Seal of the United States", by Barton, and is followed by this note:

"In June 1782, when Congress were about to form an armorial device for a great seal for the United States, Charles Thomson, Esq. then Secretary, with the Hon. Dr. Arthur

542. THE VIRGINIA DELEGATES TO THE GOVERNOR OF VIRGINIA
(BENJAMIN HARRISON).¹

PHILADA. 25th June 1782.

Sir,

Your Excellency's favor of the 15th came safe to hand yesterday. The loss of the mail of the preceding week is the more regretted, as we understand that a packet from N. York for England which had been intercepted and carried into N. Carolina, made a part of it.² . . .

The illicit trade with N. York under the encouragement of the enemy, and the obstruction of foreign trade has increased of late so far as to threaten great injury to the public finances. The Steps which have been taken by Congress on this subject will be transmitted to your Excellency by the President. It is also discovered that supplies of British goods are imported under collusive captures concerted between Vessels from N. York and Vessels fitted out on the neighbouring coasts. This part of the evil is more within the jurisdiction of Congress, and a remedy for it is now under consideration.³

543. JOHN TAYLOR GILMAN TO THE PRESIDENT OF NEW HAMPSHIRE
(MESHECH WEARE).¹

PHILADELPHIA June 26th, 1782.

Sir,

I wrote you the 19th Instant Informing of my Arrival here on the 17th etc.

Genl. Carletons Commission as a Negociator etc. has been the Subject of much Conversation some time past. Congress have no Information on that Subject Except the Letter which was sent to his Excellency Genl. Washington Requesting permission to send his Secretary to Congress, on which they ordered that he Should not be permitted.² . . . I mentioned to you in my last something respecting Our State's having a Vote in Congress, and as I think it to be of much Importance hope you will Excuse my Mentioning it again—besides the General and Obvious Reasons for our having a Vote, I could mention some particular and Important

Lee and Elias Boudinot, members of Congress, called on me and consulted me on the occasion. The great seal, for which I furnished those gentlemen with devices, (*as certified by Chas. Thomson, Esq.*) was adopted by Congress on the 20th of June 1782. Mr. Thomson informed me, four days after, that they met with *general approbation*. W. Barton."

In the *Classical Journal* Thomson's letter is quoted by M. E. Deutsch, in an article on "E Pluribus Unum". For a note on earlier proceedings in Congress with regard to the seal see these *Letters*, vol. V., p. 149 n. Secretary Thomson's report is in the *Journals*, June 20. An editorial note (p. 340 n.) mentions the tentative devices (found in Papers Cont. Cong.) and points out the stages through which the matter passed in Congress.

[542]¹ Va. State Lib., Executive Papers (signed by Madison and Bland); *Cal. Va. State Papers*, III. 199 (extract).

² A passage summarizing a private letter of John Adams, Apr. 11, is here omitted.

³ See the *Journals*, June 21, Madison to Randolph June 25 (*Writings*, I. 210), and Randolph to Bland July 19 (*Bland Papers*, II. 85). Cf. nos. 539, 540, *ante*, no. 551, *post*.

[543]¹ Mass. Hist. Soc., C 81 B 80.

² See the *Journals*, May 14. In the first omitted passage Gilman speaks of the latest accounts from General Greene, in the second, of the news from Holland.

Ones, but as the Mails are frequently Robbed prudence forbids it. I know it is very Expensive, and the difficulty of procuring money in New Hamp'e is great, but Permitt me to Say, I think it Ought to be an Object of the first Importance with the State—although the raising of Cont'l Troops and paying the Cont'l Tax is of great Importance, but Shall N H. raise men, and pay their Money and not have a Voice in the disposal. . . .

544. THE CONNECTICUT DELEGATES TO THE GOVERNOR OF CONNECTICUT
(JONATHAN TRUMBULL).¹

PHILADELPHIA, July 1st, 1782.

Sir,

We early after our arrival at this place acquainted your Excell'cy of Coll. Root's unexpected departure from Congress before we arrived,² When the time for the appearance of the State of Connecticut in the great cause between them and Pennsylvania was near at hand; we foresaw a storm arising, but were in hopes there would have been so much candor exercised as not to urge a procedure in that cause untill Coll. Root's return, but when the day arrived the agents from Pennsylvania appeared and urged with the greatest vehemence for an entry of the non appearance of the State of Connecticut, and that Congress immediately proceed according to the directions of the Articles of Confederation to nominate commissioners and have them struck of, so as to reduce them to the number assigned to hear, judge, and determine the cause, which must have been done by Pennsylvania agents on the one hand, and our Pennsylvania Secretary³ on the other, whereby it may very easily be seen what a set of judges we should be left with to decide this most important controversy; it was moved by one of the agents from Connecticut (tho not authorised without one of the others to appear), that by reason of Coll. Root's absence, by appointment of Congress on business of importance to the United States, that all proceedings in the cause be stayd till the blank day of July, when Coll. Root's return might be expected; this met with a surprising opposition, urging that every State must risque the conduct of their own agents, and that Coll. Root did not acquaint Congress with his agency for Connecticut in their cause, which if he had, they should not have sent him forward, and further that the Assembly of Connecticut was apprised of Coll. Root's return when he appeared before them and ought to have sent Dr. Johnson forward or appointed another; these

[544]¹ Mass. Hist. Soc., *Collections*, seventh ser., III. 362 (signed by Dyer and Benjamin Huntington).

² See nos. 529, 536, *ante*. See also Root to Trumbull, July 4, in Mass. Hist. Soc., *Collections*, seventh ser., III. 366.

³ That is, Charles Thomson, secretary of Congress. Article IX. of the Confederation provides that, in the event the parties to the controversy, "by their lawful agents", shall fail to agree upon the commissioners to constitute a court for hearing and determining the matter in question, "congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one", etc. Then it provides that, "if either party shall neglect to attend at the day appointed, without showing reasons, which congress shall judge sufficient, or being present shall refuse to strike, the congress shall proceed to nominate three persons out of each state, and the secretary of congress shall strike in behalf of such party absent or refusing", etc.

debates have taken up 3 or 4 days in Congress and are still debating and undetermined; but rather think they in general rather incline to have the matter lye without any determination untill Coll. Root's return, and it is without any doubt expected in the mean time that we write in the most pressing manner to hasten Mr Root's return as soon as possible. . . . We have also laid in our motion, according to instructions from our Assembly, for postponing the trial of this cause till after the close of the war, especially as many of our material exhibits are in England, but this is and will be violently opposed, as they urge the necessity of all disputes if possible being settled before that time, and indeavor to impress Congress with the ideas that Connecticut wish for delay, only to get a more full possession of the country, etc., etc., and that they are willing to make such concessions with respect to the exhibits left in England, and are originals, as may supersede the necessity of obtaining of them from thence, provided we produce authenticated copys of them, or otherwise satisfy them of the real contents,⁴ . . .

545. JAMES DUANE TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

Private

PHILADELPHIA, July 1st, 1782.

Dear Sir,

. . . . General Scott seems determined to attend the Legislature and I fear nothing I can offer will keep him here. Mr. l'Hommedieu will, therefore, be called upon to take his tour unless it should be more convenient to Col. Floyd. I must trouble your Excellency to enforce on the Legislature the Justice of returning me the money I advanced for my support in Congress, especially as I borrowed a part of it, for which I am pressed. I am in advance about £800. If I could get half that Sum, it would make me for the present easy with my Friend who has assisted me, and enable me to purchase some necessities with which my Family cannot dispense.² . . .

546. JAMES MADISON TO EDMUND RANDOLPH.¹

My dear Sir,

PHILADA. July 2d, 1782.

The confidential and circumstantial communications in your favor of the 20th of June have afforded me much pleasure. Those which relate to the scheme of [garbling the delegation] were far from surprising me.

⁴ See the *Journals*, June 24-28, July 1, 16, Aug. 12, 14, 23, 28; also no. 544, *ante*, nos. 551, 566, 586, *post*. The record of the proceedings of the court which sat on the controversy at Trenton, Nov. 12 to Dec. 30, is in the *Journals* under Jan. 3, 1783. A part of the proceedings is in *Pa. Arch.*, first ser., IX. 696-724, wherein are found also numerous other documents relating to the case. As appertaining to the postponement of the case in Congress at this time, see a letter from Joseph Reed to Henry Osborne, June 25 (*ibid.*, p. 563). A succeeding passage relates to the letters of Silas Deane. See nos. 430, 432, 522, 529, *ante*.

[545]¹ *Clinton Papers*, VIII. 13.

² Duane wrote to Mrs. Duane June 29: "I got safely and in health to this City last Fryday week." N. Y. Hist. Soc., Duane Papers, I. 79. He took his seat in Congress Monday, June 24.

[546]¹ Library of Congress, Madison Papers, Ac. 1081; *Writings*, I. 211; *Papers*, I. 145.

In a conversation with Mr. J. before he left Philada. it was our joint inference from a review of certain characters and circumstances that such a scheme would be tried.

The prevailing temper of the [present delegation is too little flexible to the factious and vindictive feelings of a particular member of it] to be relished by [him and his adherents. No delegate] who refuses to [league with him in the war against the financier] must [expect to be long at ease in his post. The] disappointment [in the affair of the flags will increase the venom against the Minister. The first] conversation [I had with the doctor after his return] clearly [betrayed how much it rankled in his bosom.] ²

One article of our late communications from France was that the interest [on the certificates is no longer to be continued], and that provision [must be made] within ourselves. This has caused great commotion and clamor among that class of public creditors against Congress, who they believe or affect to believe have transferred the funds to other uses.³ The best salve to this irritation, if it could with truth be applied, w'd be a notification that all the States had granted the impost of 5 pr Ct. and that the collection and appropriation of it would immediately commence. It is easy to see that the States whose jealousy and delays withhold this resource from the U. S. will soon be the object of the most bitter reproaches from the public creditors. Rhode Island and Georgia are the only States in this predicament, unless the acts of Virginia and Maryland should be vitiated by the limitations with which they are clogged.

No step has yet been taken in the instructions prepared before your departure. I expostulated a few days ago with Dr. W——n on the subject and prevailed on him to move in the business, but his motion only proved the watchfulness and inflexibility of those who think they advance towards their own objects in the same proportion as they recede from those of Virginia. I have since shewn him the report and he is a confirmed advocate both for the innocence and expediency of it.⁴

Congress are much perplexed by the non-appearance of Connecticut at the time appointed for the meeting of her Agents and those of Pennsylvania. We wish to avoid leaving her any pretext to revive the controversy and yet the reasons for her neglect cannot be pronounced sufficient. Her adversary professes a strong jealousy that she means by every artifice to

² Bracketed words are written in cipher. This paragraph of the letter is not in the printed texts. In his letter of June 20 (Library of Congress, Ac. 1081) Randolph mentions that a design appeared to have been formed "against the reelection of you and myself to Congress" (the words are in cipher), with further remarks upon the proceedings in the assembly, pointing to "the two Lees" (cipher) as particularly concerned in the attack.

³ See the *Journals*, June 26, and nos. 550, 560, 565, *post*. Gilman wrote to President Weare, July 3: "Several of the States have begun to pay Money towards their proportion of the 8 Million Dollars. Congress have Received the act from Massachusetts granting a duty of five per cent, but nothing can be done in this business at present as the State of Rhode Island have not passed any act for that purpose." N. H. Hist. Soc., Weare Papers, XI. 21. See the *Journals*, July 1 (pp. 361, 366 n.).

⁴ The allusion is to the instructions proposed to be sent to the commissioners for negotiating peace. The long-drawn-out course of these instructions is set forth under no. 599, note 2, *post*. The motion of Witherspoon to which Madison refers was doubtless that of June 17. See also nos. 562, 571, 572, 578, 579, 585, 590, 593, 597, *post*.

parry a decision during the war; and it cannot be denied that appearances but too well authorize it.⁵

547. ARTHUR LEE TO FRANCIS DANA.¹

PHILA'A July 6th, 1782.

Our embarrassments for money are great; not that there is any real want of it, but because by the Constitution of a Bank, and until lately a most prosperous Commerce, in this *Tory* City, has accumulated all the money here, and consequently disenabled the other states from paying taxes to support the war. The residence of Congress in the bosom of *Toryism*, and the encouragement given to them, is as impolitic as it is unjust. It puts such advantages into their hands, as in case the war should take a turn, may enable them to deliver us up tied and bound to the enemy. It is extreme political weakness to suppose, that because these men have changed their professions, that they have therefore abandoned their principles. These are what a tory never changes, and though he may make them bend occasionally to his interest, yet whenever an opportunity offers, you will be sure to find him the same enemy to public liberty.

I am sorry that the attempts you mention have in any measure succeeded; tho' they have failed of the whole intent, which was to put the negotiations of peace in corrupt and servile hands only. The wickedness of that old Man (Franklin) is beyond example; and his good fortune in escaping the punishment due to his crimes, is as extraordinary.

It may be proper to inform you, that the present Secretary for Foreign Affairs, (R. R. Livingston)² is a decided partizan of Dr. Franklin, and an enemy to Mr. Adams. Like a number of other parrots here, he praises the former by rote, and undertakes to tutor the other. Whatever you see or receive from him you may consider as dictated by the French Minister. He made him what he is, and policy, or gratitude, keeps him from disobeying or renouncing his maker.

548. JOHN LOWELL TO SAMUEL ADAMS.¹

PHILA. July 8th 1782.

Dear Sir,

. . . . Your Friends Mr. Izard and Mr. Lee are both now in Congress, and I am happy in assuring you they appear to me to be two of the ablest and best of our Counsellors; we have had few Measures attempted that are pointed against our Friends abroad, but I find Jealousy and Attention is necessary to prevent the Introduction of them. Soon after my Arrival a most disagreeable Distinction was attempted by making the Salary of

⁵ See no. 544, *ante*.

[547]¹ Harvard Univ. Lib., Sparks MSS., no. 32, vol. II., f. 86 (extracts).

² The name appears thus in the copy but is probably an interpolation of Sparks.

[548]¹ N. Y. Pub. Lib., Samuel Adams Papers.

Mr. Adams much less than those of Dr. F and Mr. J. under Pretence of his being at a Court less expensive. I ventured to enquire into the Evidence of the Fact, and tho I was tho't and almost called an Upstart, persisted till a Recommitment was made and on Enquiry it turns out that the Hague is the most expensive of the three Courts, and so this matter ended;² within a few Days I think a much deeper Plan has been laid to embarrass his Negotiations by instructing him not to consent to an Article in the proposed Treaty which gives the Subjects of the U. Provinces the same Rights as to holding and conveying Estates, as the French Subjects have, altho it is almost certain that the Plan of a Treaty has been comunicated long since to the Dutch, but the Matter will I believe end like the former.³ We have heard very little lately from the Financier. he has certainly been very usefull and therefore with the great Powers given him, should be watched. . . .

549. JOHN TAYLOR GILMAN TO THE PRESIDENT OF NEW HAMPSHIRE
(MESHECH WEARE).¹

PHILADELPHIA July 9th 1782.

Sir,

Inclosed is a Letter for Collo. Bartlett. I am Sensible you consider your-self under Some Obligations, to lay Letters Officially Received, before the Court, and as it might, (perhaps) be Improper to lay Such a Letter before the public, I thought proper to direct it to him. If he Should not be present when you Receive it, you will please (after perusal) to Seal it.²

550. JOHN TAYLOR GILMAN TO JOSIAH BARTLETT.¹

PHILADELPHIA July 9th, 1782.

Sir,

I take this Opport'y to write you by Mr. Smith of Boston. The United States being informed by Doctr. Franklin's Letters, that France did not hold themselves obliged to pay any more Bills for Interest due on the Loan Office Certificates and that they would be protested if drawn, a Committee was appointed to Consider of this Subject and report to Congress, the Substance of which report was that no more Bills Should be drawn for payments of Interest. while this report was under Consideration a Memorial was presented Signed by some of the Citizens requesting that Congress would postpone their Determination on this Subject untill they could have a Meeting of the Holders of Loan Office Certificates.

² See the *Journals*, Jan. 2, May 9, 28, 29, June 3, 5, 14. Cf. the report of a committee (appointed July 25) in the *Journals*, Nov. 20, and Madison's Notes of Debates, Nov. 21 (*Journals*, XXIII, 850).

³ See the *Journals*, July 8, 17; cf. article 6 of the treaty with the Netherlands, in the *Journals*, Jan. 23, 1783.

[549]¹ N. H. Hist. Soc., Weare Papers, XI. 22.

² The letter is no. 550, *post*.

[550]¹ Me. Hist. Soc., Revolution, no. 3.

you will see by the News Paper what the Citizens have done. some are for appropriating the five per Cent Impost for the purpose of paying the Interest on the whole Loans, others for funding those Loans which were made prior to the first of March 1778 and that this Interest shall be first discharged, but How can Congress appropriate a fund which is not yet granted to them. what will take place I cannot say.²

I must repeat that I think a Vote here (though very Expensive) should be an Object of the first Consideration Both as it may be of Service to the Genl. Interest of all the States and the particular Interest of New Hampshire, but as I think I have discharged my Duty in this respect I shall Endeavour when I write the State in future to find some other Subject. the Delegates from Carolina and Georgia have Money advanced them out of the public Treasury agreeably to a Resolution of Congress passed about One Year agone. those who have Families here are to have 200 Dollars per month, those who have not, 150 Dollars per month, to bear their Expences, which is to be Charged to their respective States. there are five from South Carolina and Three from Georgia now present.³

a large Committee are appointed, to report some plan for lessening our Expences, but what they will be able to do I cannot Say.⁴ The post Sets out from this place on Wednesdays. I Suppose my Letters do not reach Exeter untill the Friday Fortnight after Sending them. perhaps this may reach you by the Same Post as my Letter to the President of the 3d Instant as Mr. Smith will carry it directly to Boston.

551. JAMES MADISON TO EDMUND RANDOLPH.¹

PHILADA. 9th July, 1782.

Dear Sir,

Your two favors of the 27th were recd. this morning.

The trade with the enemy at N. Y. has at length I am told produced spirited and successful exertions among the people of N. Jersey for suppressing it. The same alarm and exertions seem to be taking place in Connecticut. The ordinance of Congress against collusive captures on water has not yet passed. The mode of proof and the distribution of the

² See the *Journals*, May 24, June 13, 26, July 1 (p. 365). The petition referred to was doubtless the letter of Blair McClenachan, John Ewing, and others, read in Congress July 3 (see the *Journals*, p. 373 n.). A remonstrance from the same source was presented July 8, and a report upon it, by the superintendent of finance, dated July 29, is in the *Journals* under Aug. 5 (also in Wharton, *Rev. Dipl. Corr.*, V. 619). Meanwhile the subject had been under consideration July 22 and 25. See no. 546, *ante*, nos. 560, 565, 575, *post*, and the *Journals*, Sept. 9, Nov. 20.

³ See the *Journals*, July 10, 30, 1781. Earlier action of that nature had been taken Sept. 29, 1780. See vol. V., nos. 458, 459.

⁴ The committee had evidently been appointed prior to June 17, for on that day was referred to it a memorial of Simeon DeWitt, geographer. The committee then consisted of Cornell, Lowell, Bland, Boudinot, Wright, Smith, and Madison. July 10 the committee was instructed to bring in a specific report, which was done July 11, and the committee is then named as Cornell, Osgood, Izard, Bland, and Duane. Previously, on June 25 and 26, related matters had been referred to a committee of this same personnel and therefore presumably the committee on reduction of expenditures. Definitely characterized, and with the personnel named as above, the committee made reports July 24, Aug. 1, 7, Sept. 3, Oct. 23, 29, Nov. 12, 18. See nos. 567, 575, 585, 618, *post*.

[551]¹ Library of Congress, Madison Papers. Ac. 1081; *Writings*, I. 215; *Papers*, I. 147.

effects, occasioned some diversity of opinion, and a recommitment ensued. I am not very sanguine that any thing of efficacy will be done in the matter.² . . .

Mr. Jones writes me that he proposes to set off about the 20th instt. When will you follow him?

552. BENJAMIN HUNTINGTON TO ANDREW HUNTINGTON.¹

PHILADELPHIA July 13th, 1782.

Sir,

I Recd. of Letter and Papers Inclosed and laid the same before a very Candid Committee who Reported that as the Account appeared to be settled by Col. Trumbull the same be laid on the Table,² which indeed was the fate I expected it would meet with. Congress in the year 1780 on a Long Debate Refused to Reconsider Accounts, once settled in Continental Money upon Principle that a Debt being once extinguished by Payment with Consent of the Party no further Demand in Law or Equity could Remain, and furthermore that a Reconsideration of Matters of that Kind would be endless and Impossible. Another Difficulty in your Case is that Congress cannot settle with Individuals who Contracted with the Heads, or agents of the Several Departments—this would likewise be an Endless Business. It is a great Pity your Account is Closed in the manner it is. By the Resolves of Congress of the 26th of August 1780, 16th of March and 22d of May 1781 Rules are Given for Settling with the Creditors of the United States for Supplies furnished the Army. If Col. Trumbull has it in his Power he will certainly make the Just Allowance.

No public News of Importance but what appears in the Papers.

Congress are informed that the Interest of Continental Loans can no longer be Paid in France, the Holders of Certificates in this City have met and Petitioned that another mode of Payment may be Provided and that the Interest of Monies Loaned since the first of March 1778 may be also Paid. The Matter is yet in Agitation.³

553. JAMES DUANE TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

PHILAD. 16th July, 1782.

Private

Dear Sir,

. . . .² General Scott retains his Resolution to visit his Family and I shall be in pain to see the state so soon again unrepresented. I, therefore, hope one of my Colleagues will come forward without loss of time.

² See no. 542, *ante*, and the *Journals*, July 11, 12, 17.

[552]¹ Mass. Hist. Soc., Wolcott Papers.

² The *Journals*, July 2, and no. 537, note 2, *ante*.

³ See nos. 546, 550, *ante*.

[553]¹ *Clinton Papers*, VIII. 14.

² An omitted paragraph speaks of his need for reimbursement.

I wrote largely to your Excellency by last post but the Letter was intercepted. If Sir Guy does not publish it, he will have more politeness than his Predecessors. I am in no pain for the Contents. The most * * * ³ subject was the Light in which the Declarations of Several Legislatures on the Charge of the British ministry and their fixed purpose to adhere * * * to our federal Union and National Treaties, was considered here; and an enumeration of some of the good Consequences which may be expected from this seasonable and Judicial measures. They will undoubtedly occur to your Excellency and need not be enlarged upon. A long letter to General Schuyler giving an Account of my wants and some strictures on publick affairs was intercepted at the same time. Nothing can be achieved from it that will give the Enemy Information or pleasure: Unless they can be gratified at the pecuniary misfortunes of an Individual.

554. THE VIRGINIA DELEGATES TO THE GOVERNOR OF VIRGINIA
(BENJAMIN HARRISON).¹

PHILADELPHIA July 16, 1782.

Sir,

We had the honor of receiving your Excellencys Letter of the 6th, together with one of the same date from the Clerk of the Council, enclosing the Resolutions of the Assembly on the Supplies requested from his most Christian Majesty.

The Resolutions we immediately transmitted to the Minister of France.

...
We have informd the Delegates of S. Carolina, of what your Excellency mentions. Those of N. Carolina are not here.² Still we are without any intelligence from Europe or the Islands. Genl. Washington and Count Rochambau are at present in this City, to consult on the operations of the Campaign. . . .³

555. JAMES MADISON TO EDMUND RANDOLPH.¹

PHILADA. July 16th, 1782.

Dear Sir,

... I fully concur in the change of cypher which you suggest, and understand the reference for a key-word. I have been in some pain from the danger incident to the cypher we now use. The enemy I am told have in some instances published their intercepted cyphers. On our first meet-

³ The omissions indicated by asterisks here and just below are in the text in *Clinton Papers*.

[554]¹ Va. State Lib., Executive Papers (signed by Bland and Lee); *Cal. Va. State Papers*, III. 217.

² The governor's letter of July 6 is in *Official Letters*, III. 262. The letter stated that the French troops, then on their march northward, had with them many negroes thought to belong to North Carolina and South Carolina, and requested that the matter be brought to the attention of the delegates from those states in order that the negroes might be reclaimed when the troops arrived in Philadelphia.

³ The delegates refer briefly to the propositions of Sir Guy Carleton. See no. 556, *post*.

[555]¹ Library of Congress, Madison Papers, Ac. 1081; *Writings*, I. 216; *Papers*, I. 149.

ing I propose to prepare against another separation a cypher framed by Mr. Livingston on a more enlarged and complicated plan than ours, of which he has furnished me several blank printed copies.²

Genl. Washington and Ct. Rochambeau met here on Saturday evening. The object of their consultation is among the arcana of war.³

Messrs. Montgomery and Root returned yesterday from their Eastern deputation. They have not yet made their report. The former complains that several [of the States]⁴ are [appropriating the taxes which they lay as their quota of the eight million to internal uses. He owns that the knowledge he has obtained of the case] has [changed his mind on that head] and [that if the ground was to be trodden over again he should take a very different part in Congress. He adds] that the current opinion is that a vessel arrived at Quebec brings a [royal charter] for [Vermont] they the people there are [in much confusion] and [many of them disposed to reunite] with [N. Hampshire.] A letter to Mr. Livingston from Mr. [Livermore] corroborates this goods news. It imports that a very unexpected turn had taken place in the temper of the people [between the river] and [the ridge]. that they were [petitioning New H. to be restored to] that [State] and that measures would be taken in concert with [New York] for that purpose. The revolution in the [sentiments of Montgomery] may be owing in part to the [new relation in] which [Pennsylvania stands] to [Connecticut] which he says is governed on this occasion by interested [individuals]. The controversy between Pena. and Connecticut will I suppose be now resumed and put into a course for decision, the return of Mr. Root having removed the cause which suspended it.

In the beginning of this month Committees were appointed in pursuance of a previous Resolution for such an appoint't every half year, to examine into the proceedings of the several executive departments and make report to Congress. This plan was adopted not only to discharge the general duty of Congress and to satisfy their constituents but also that such reports might shelter in some degree faithful officers from unmerited imputations and suspicions, as well as expose to just censure those of an opposite character. For reasons which will occur to you [Doctor Lee was put into]⁵ the department of Finance. The [Doctor] is endeavoring

² He had just spoken of the capture of the mail (*cf.* no. 557, note 2, *post*). Randolph wrote to Madison July 5: "I wish that on future occasions of speaking of individuals we may use the cypher, which we were taught by Mr. Lovell. Let the Key-word be the name of the negro boy, who used to wait on our common friend Mr. Jas. Madison. Billy can remind you should you be at a loss for it." Madison noted at the foot of Randolph's letter, "Probably *Cupid*" (Library of Congress, Madison Papers, Ac. 1081). See this editor's note on "Ciphers of the Revolutionary Period", *Am. Hist. Rev.*, XXII, 331. Madison made use of this cipher, which he calls the "Lovell" cipher (with the key-word "Cupid"), in letters to Randolph as late as Oct. 15, although he occasionally employed also the "official" cipher, sometimes using both ciphers in the same letter. Randolph was not however able to read the passages written in the Lovell cipher. See no. 599, *post*.

³ A passage follows relative to the correspondence between Carleton and Washington which is essentially the same as that in the letter to Pendleton (no. 556, *post*).

⁴ In this passage words in square brackets are in the "official" cipher. Concerning the mission of Montgomery and Root to the eastward and that of Rutledge and Clymer southward, see nos. 512, 515, 516, 518, 519, *ante*.

⁵ Beginning at this point words in square brackets are written in the "Lovell" cipher.

I am told contrary to the object in view to go into an investigation of the [contracts in trade] allowed by Congress.

All the movements of [Doctor] are pointed directly or circuitously either to [Morris or Franklin.] This cypher I find is extremely tedious and liable to errors.

Genl. Carlton in his letter to Genl. Washington above quoted, says with respect to Lippencut only that the Ct. had passed their judgment and that as soon as the length of the proceedings would admit a copy should be sent to him. It is inferred that this murderer will not be given up, and consequently a vicarious atonement must be made by the guiltless Asgill.⁶

. . . .

556. JAMES MADISON TO EDMUND PENDLETON.¹

PHILADA. July 16th, 1782.

Dear Sir,

. . . . Genl. Carlton in a correspondence with Genl. W. yesterday laid before Congress complains much of legal proceedings agst. adherents to the British cause, as Traitors, adopts the maxim that "in a civil war between people of one empire there can *during the contest* be no traitors at all," and asks a passport for Genl. Robinson and Mr. Ludlow to confer and settle arrangements on that idea. He at the same time and from a similar policy, proposes in order to remove our objection agst. exchanging B. soldiers [for] Amer: seamen that the latter shall be free and the former restrained from serving *agst. the 13 Provinces* for one year, within which he is sanguine an end will be put to the calamities of the present war.²

557. JOHN TAYLOR GILMAN TO THE PRESIDENT OF NEW HAMPSHIRE (MESHECH WEARE).¹

PHILADELPHIA July 17th 1782.

Sir,

. . . .² Lieut. Blanchard was with me some days Since. he Informed that he had come by the Appointment of the Officers and of the New Hampshire Line to see if a Settlement for their Wages and Subsistance

⁶ In the *Madison Papers* the last two paragraphs above are repeated (improperly) in the letter of July 30 (no. 571, *post*).

[556]¹ N. Y. Pub. Lib., Madison Papers.

² Carleton's letters to Washington, June 20 and July 7, are in Washington's *Writings* (ed. Sparks), VIII. 537, 539. Washington's reply to the former, June 22, is *ibid.*, p. 312; cf. his letter to John Dickinson June 19, *ibid.*, p. 310. Washington's letter to Congress, dated July 9 (*Writings*, ed. Ford, X. 41), was read in Congress July 15 and referred to Witherspoon, Madison, and Rutledge (*Journals*, p. 388 n.). The report of this committee, which was brought in July 29, was referred to another committee (Lowell, Cornell, and Madison), which made a report Aug. 12. See also the *Journals*, Aug. 7 (p. 456 n.), 9 (p. 460 n.), 26 (p. 531 n.), Sept. 6, 9, 16, Oct. 16, and nos. 566, 585, 588, 590, *post*. Concerning the question of exchanging soldiers for seamen see nos. 466, 479, *ante*, no. 488, *post*.

[557]¹ N. H. Hist. Soc., Weare Papers, XI. 26.

² In an omitted passage Gilman speaks of the capture of the mail, which "was taken about Twenty five Miles from this City, on this Side Trentown by a party of about Twelve Men, it was about Noon when they seized the Post-Rider, and One part of them Carried him to the Woods and kept him Confined untill the Evening, while others carried off the Mail".

Money could be made here. after Inquiry he says it will be done, that he is going to New Hampshire and shall there Endeavour a Settlement to the first of August 1780, and shall then apply to the Financier for a Settlement of the Sums due after that time. I have made Enquiry and Cannot find that any State has settled with their Troops for Depreciation etc. further than August 1780. (Excepting Massachusetts and am not particularly Informed what they have done.) the General Idea seems to be that their is not any Resolutions of the United States Requiring the Several States to make Settlements after that time, and perhaps it would be more Equal if the whole from that time was to be Settled by the United States.³ a Report prevails here, that the Enemy have Evacuated Charlestown and Savannah, and that they have Burned those Towns, but the Accounts are not Authenticated.

558. JAMES DUANE TO PHILIP SCHUYLER.¹

PHILAD. 18 July 1782.

My dear Sir,

I wrote you a long Letter which was intercepted with the Post and has contributed to the Amusement of Sir Guy Carleton, and if he follows the Example of his *great* Predecessors will in due time be served up to the Publick *a la Rivington*. Of this Epistle I kept no Copy but it contains some political Strictures on publick affairs and some Reflections on my own Circumstances. Unless it is a Reproach to become poor in a good Cause I shall have no Occasion to blush for a single Sentiment tho' I have written it with unreserved Confidence to a Friend from whom I with hold nothing.²

We have no Accounts from Europe *since* and indeed some time *before* my arrival here. Three Vessels arrivd last night from the Havannah not withstanding this Coast is so strictly guarded. One of them has imported a considerable Sum of money.

559. THE RHODE ISLAND DELEGATES TO THE GOVERNOR OF RHODE ISLAND (WILLIAM GREENE).¹

PHILADELPHIA, July 19th, 1782.

Sir,

We have been honored with your Excellencys letter of the — ulto. and the inclosed resolutions of the Hon'e the general Assembly.²

You may be assured that proper attention will always be paid on our part to any Instruction which that honorable body may think proper to honor us with, and particularly to those now received. We have a proper sense of the principls and justice on which they are founded, and are fully impressed with the importance of the objects that the state wish to

³ See nos. 575, 659, *post*.

[558]¹ N. Y. Pub. Lib., Schuyler Papers, no. 563.

² Cf. no. 553, *ante*. Duane proceeds to summarize the contents of his intercepted letter.

[559]¹ R. I. Arch., Letters to the Governors, 1781-1782, p. 108; Staples, *R. I. in Cont. Cong.*, p. 376; *R. I. Recs.*, IX. 578.

² The resolutions of the assembly are *ibid.*, pp. 561-563.

obtain. Yet such is our embarrassed situation that we dare not at present flatter you that we shall be soon able to obtain that justice which is due to the State on account of the Old money or back lands. At the same time we take the liberty to assure you that we will endeavor to obtain those desirable objects by embracing every favorable moment. . . .

Congress has been employed for a long time in the common business that daily presents its self, without doing any thing that particularly deserves your notice. There are several Committees that have business of consequence under consideration on which it is probable they will soon report

His Excellency the Commander in Chief has been a Week in this City. His journey to this place was in consequence of a previous appointment to meet the Count De Rochambeau, their meeting was according to the appointment. Several Committees of Congress have had conferences with the General since he has been in this place on business of importance And we have the pleasure to assure you that we have every reason to suppose that the most perfect harmony subsists between him and Congress at this time. His stay from the Army will be short. . . .³

560. CHARLES THOMSON, NOTES OF DEBATES.¹

[July 22, 23, 1782.]

1782, Monday, July 22.

The reports of the Com'e on a report of the Superintend't of Finances relative to his stopping the Drawing of bills for interest which was an order of the day taken up and debated for some time and postponed.²

The report of the Com'e on the hospital debated and recommitted.³

Tuesday, July 23rd.

The ordinance for regulating the Post office under debate on the second reading, a great part recommitted.⁴

561. THE VIRGINIA DELEGATES TO THE GOVERNOR OF VIRGINIA
(BENJAMIN HARRISON).¹

PHILADELPHIA July 23d, 1782.

Sir,

The Letter of the 11th with which your Excellency honored us, came safe with the enclosed Resolves, which we shall lay before Congress.

³ The letter is signed by Ezekiel Cornell and David Howell. Howell had taken his seat June 7. On June 23 he wrote to Moses Brown of Providence, narrating something of his contacts in Philadelphia. Of Congress he remarked only, "My present business engrosses my attention". R. I. Hist. Soc., Moses Brown Papers.

[560]¹ N. Y. Hist. Soc., *Collections: Revolutionary Papers*, I. 63.

² See no. 549, *ante*, and no. 565, *post*.

³ The debate July 22 is not mentioned in the *Journals*, but action on the report was taken July 23, and it appears from an endorsement on the report that the committee had been appointed before May 15. See the *Journals*, June 10, July 23 (p. 412 n.). A general plan for the medical department had been adopted Jan. 3.

⁴ See no. 566, *post*. A committee appointed Mar. 1 (see the *Journals*, p. 114 n.) reported an ordinance which was referred to another committee (see the *Journals*, July 12), and the latter committee brought in a modified measure July 19. The ordinance was brought up for a second reading Oct. 2 and adopted Oct. 18. Concerning a supplemental ordinance see the *Journals*, Oct. 24, 25, 28, Nov. 27, Dec. 2, 4, 6, 19, 20, 24.

[561]¹ Va. State Lib., Executive Papers (signed by Madison and Lee); *Cal. Va. State Papers*, III. 227.

The Super-intendant's Contract, for the main Army, is ten pence pennisylvania curr'y per Ration, which is 25 pr. Ct. less than what your Excellency mentions.

We shall make the application, you recommend, to Congress. No Instructions have yet reachd us on the important points, which were stated to the Assembly for that purpose.² . . .

562. JAMES MADISON TO EDMUND RANDOLPH.¹

PHILADA. 23 July 1782.

Dear Sir,

I have at length the pleasure of presenting you with certain tho' not official intelligence of the recognition of our Independence by the States General. This event with other interesting particulars is contained in the inclosed gazettes. Among its salutary consequences to this country I hope the people of Virga. will not be inattentive to its influence on the value of its staple, on which it is very probable speculations will be attempted.

The news from Holland has much emboldened the [enemies of France. Doctor Lee declared]² that it might be considered as the [epoch of our emancipation.] Yesterday I was reminded [by Izzard] that [Franklin was interested] in restoring the [back lands to the crown.] Soon [after I was shewn by Lee a proposition for reconsidering the] commission and [instructions for peace.] The plan is to [exclude F——n and J——y and to] with[draw] the others from the [direction of France.] The [notes] of [M——s are also] to be [attacked.] These and some other [symptoms] strongly [portend a revival of party heats.] I earnestly wish we had [your aid] in [repressing them.]

General Washington is still here. I have nothing to add to my last on the subject of Lippencot and Asgil. . . .

² Harrison's letter is in *Official Letters*, III. 267. Enclosed with it was a resolution of the assembly "disapproveing of the alteration of the mode appointed by the Confederation for apportioning each States quota of the tax etc". One part of the letter related to the expense of garrisoning the towns of York and Gloucester. See Harrison's letter to Washington the same day (*ibid.*, p. 265), also the *Journals*, July 24, and nos. 570, 581, 589, *post*. Touching the problem of expenditures for supplies, the governor remarks that "the extravagant mode of finding them with specific articles furnish'd by the Country is laid aside and they are now supported by contract with a compleat Continental ration for tenpence, this may be thought high with You but we look upon it as moderate. If the Financier does not approve it He may take it on Himself after December at which time the Contract will end".

On May 7, on a motion of Madison, Congress had appointed a committee "to confer with the Superintendent of finance and Secretary at war, on the practicability and means of procuring supplies for the southern army by contracts". The committee then designated was composed of Rutledge, Bland, and Osgood, but on June 3 Ramsay was substituted for Rutledge. The committee made a report June 21, wherein is summarized a letter from the superintendent of finance to the committee. This letter, without date, is printed in *S. C. Hist. and Genearl. Mag.*, XXVII. 74. The committee to which the letter is addressed is there named as Bland, Ramsay, and Izard; but if Izard had taken the place of Osgood on the committee the *Journals* do not record the change. In consequence of that report the superintendent of finance was instructed to report to Congress the causes which had prevented the southern army from being supplied by contract. Morris's report in compliance with this order is in the *Journals*, July 1.

[562]¹ Library of Congress, Madison Papers, Ac. 1081; *Writings*, II. 220; *Papers*, I. 153.

² Words in square brackets are written in cipher. "F——n", "J——y", and "M——s", below, are Franklin, Jay, and Morris.

563. JOHN TAYLOR GILMAN TO THE PRESIDENT OF NEW HAMPSHIRE
(MESHECH WEARE).¹

PHILADELPHIA July 24th 1782.

Sir,

The Letter which you did me the Honour to write on the 8th Instt. I receiv'd on Monday the 22d together with the Inclosures. I am Sorry to hear that a Delegate is not Immediately coming forward, but as I have in Sundry Letters (both public and private) so strongly urged that the State should be represented, It will be Unnecessary for me to Say any thing further on that Subject, Excepting that almost every Day furnishes me with Additional reasons for desireing it. That Mr. Adams is receiv'd by the United Provinces as a Minister from the United States is fully Credited, but there has not been any Official Accounts from him of a late Date.

I Expect to have an Oppt'y the last of next Week to write you by a private Conveyance when (as I think it my duty) I shall give you Every Information in my power. . . .

564. ARTHUR LEE TO JAMES WARREN.¹

[ca. July 23, 1782.]

Dear Sir,

Your favor of the 1st ult. reachd me safely. . . .

By the absolute order of France, Dr. Franklin and Mr. Jay were joind in commission with Mr. Adams for negociating a Peace. At this very time Congress had the fullest evidence and conviction that Dr. Franklin was both a dishonest and incapable man. Mr. Laurens and Mr. Jefferson were added, but the first was a prisoner, and the latter woud not go. Mr. Jay has with a very becoming spirit desird to be left out of a Commission, which is accompanied with Instructions to obey ultimately the opinion of the french Ministers. This he states, as in his apprehension, so humiliating to the Commissioners, so disgraceful and injurious to America that he cannot submit to it. I have movd in vain for a reconsideration of the Instructions. The yoke is riveted upon us, and the Man who I am sure sold us in the negociation with France, is the sole adjunct with Mr. Adams, in a negociation on which every thing that is dear and honorable to us depend. He, good man, felt no qualms at such a commission, no sense of dishonor or injury to his Country. On the contrary he expressed the utmost alacrity in accepting it, and I believe most cordially; since it puts him in the way of receiving money, which is the God of his Idolatry.

The French, therefore, are to make a peace for us; we have presumd only to desire Independance; but whether it shall be on secure and honorable terms, whether by the stipulations annexd to it we shall participate in the Fishery, in the navigation of the Mississippi, [or] in the western

[563]¹ Library of Congress, N. H. Papers.

[564]¹ *Warren-Adams Letters*, II. 172.

territory, whether conditions trenching nearer, and more shamefully on our rights will accompany the naked and nugatory assertion of Independance, is in the sovereign arbitration of the french Court. To judge what is for our own interest, to instruct our Plenipotentiaries, for them to think and act for us, are treason against the Alliance, by which we were acknowledged independent and sovereign. In short, the most servile display of the most servile principles, is what alone must entitle us to the patronage of our great and generous Protector. This was not the sentiment, or language, that commenced the revolution, and I can pledge myself it is not the sentiment or language that will bring it to a happy issue. But there seems to be no public here to appeal to. Sordid pursuits and servile attachments have apparently absorbd all the Faculties of our fellow Citizens. In the last resort, I hope the jealousy of G. Britain and of the other Powers in Europe will prevent France from abusing the power which we have thus basely and imprudently confided to her.²

Spain has behaved towards us with very little wisdom or decency; but it is much to be suspected that the French are at the bottom of it; inso-much that a well-informed person on the spot, writes thus: "I have many reasons for believing that the french Court does not wish to see us declared independent by other Nations lest we should become less manageable as we become less dependent on her for support." I have endeavored to inculcate this truth into those to whom it would be useful, and yet they constantly act in opposition to it.

The rapacity of a certain person after power and profit, and the little caution or wisdom that governs appointments are the reasons for the accumulation of Offices in an unprincipled and suspected Individual.³ The distress of our Finances which he has the art of colouring high, and plentiful promises of relief from his wonderful abilities, operate like a charm upon weak minds. . . .

565. CHARLES THOMSON, NOTES OF DEBATES.¹

[July 24, 25, 1782.]

Wednesday, July 24.

Mr. Lee made the following motion.

"That the Commissions of the 15 of June, 1781, appointing ministers plenipotentiary to negotiate a treaty of peace with Great Britain, together with the instructions given to the said Commissioners be reconsidered." ²

Mr. Bland informed the house that he had always been against the instructions so far as they obliged the ministers ultimately to govern themselves by the advice of France, and therefore he seconded the motion for reconsideration. An objection was made to his seconding the reconsideration as he had acknowledged he had voted agst. the instructions. The objection was deemed valid, whereupon after sometime

² See no. 565, *post*.

³ The allusion is to Robert Morris. See no. 562, *ante*.

[565]¹ N. Y. Hist. Soc., *Collections: Revolutionary Papers*, I. 63.

² This motion is found in the *Journals* (p. 415). Cf. the motion of Root and Lee Aug. 8. See no 564, *ante*.

Mr. Jackson gave it his second.

The motion being thus introduced was read and a debate thereon ensued.

Mr. Lowell said he would have seconded the motion, but that he intended to have brought on the Consideration of the subject in another way, that he thought the instructions were not valid as they had not at the time of passing had the vote of nine states which by the Confederation were necessary to give them validity. This occasioned a call for the minutes of the proceedings which were read.

Mr. Bland supported the propriety of a reconsideration.

Mr. Madison objected to it. He took notice that the motion before the house went much farther than the reasoning in support of a reconsideration. That the reasoning was confined entirely to the impropriety, inexpediency and dangerous consequences of one single clause in the instructions; that the motion was pointed against the ministers as well as against the instructions; that nothing was said to show that the appointment was improper and that therefore he could not agree to the motion. But waiving this he should object to the motion if confined to the instructions; as to the objection started on account of an amendment to the original instructions which was carried by seven states, he apprehended the articles of confederation did not require the vote of nine states for the purpose of making peace; but even admitting it did and that there was an error or defect in the instructions by reason of the amendment, admitted by seven votes on the 11th June 1781, yet the passing them afterwards on the 15 of the same month which appears to have been done without dissent, and the confirmation of them by the act of the 31st of May last removed every defect or error which the admission of the amendment might have occasioned. That before gentlemen condemned the instructions they ought to consider the times and circumstances in which they were passed. Here he went into a detail of the critical situation of affairs in America in June 1781, the interposition of mediating powers, the rejection of the motion for joining other persons in the Commission with J. Adams, the unfortunate difference between him and the Co't de Vergennes and the information given that the court of F. had not a full confidence in Mr. Adams prudence and management. Upon the whole he did not think it prudent or proper to reconsider the instructions; that they could not be productive of any ill consequences and that the reconsidering and altering them might interrupt the harmony which at present subsists between the U. S. and F., might abate the zeal she has hitherto shown in our favour and that our affairs were not at present in such a situation as to warrant so hazardous a step.

Sundry other members opposed the reconsideration and at last an adjournment was called for which was agreed to.

Thursday, July 25.

Mr. Lee informed the house that he had looked into a report from the superintendant of finances of the 24 of May, by which it appears that large sums of money are reserved in France for certain purposes; that in his opinion some of these purposes did not require so large a sum as

was reserved for them, and that others were not proper; that the situation of our treasury required an examination into this matter and therefore he moved "That the report of the superintendant of finances of the 24 of May last stating the application of the monies of the United States in France be referred to a Com'e to be examined and reported on." This motion was agreed to and Mr. Lee, Mr. Izard and Mr. Wharton were elected. It may not be improper to observe that the superintendant in his report of the 24 of May enclosed, 1. A copy of a letter from the Count De Vergennes to Doct. Franklin dated 6, Feby. 1782, with an acct. of the money lent and obtained for the United States in 1781 and the balance remaining unexpended 2. A copy of a letter of 4th March from Doct. Franklin informing the superintendant that the court of France had agreed to furnish the United States with the sum of six million of livres in the year 1782 in four quarterly payments, and 3. An account from the superintendant of the purposes to which the balance of former loans and the six millions granted and to be paid this year are to be applied "*from which,*" says he, "*Congress will perceive that every loan we can command during the year 1782 is anticipated.*" Hence it appeared evident that no more bills could be drawn as heretofore for the payment of the interest of monies borrowed before the 1 March 1778, and that for the support of the war during the present year Congress must rely on the exertions of the states. The states had not yet all complied with the requisition of Feby. 1781 for granting an impost of five per cent on imports and prizes which was to be appropriated to the payment of interest and discharging the debt contracted during the war. The quotas of 8 millions of Dollars required for the present year were like to come in very slow. The first quarter day had passed without any money being paid. The treasury was exhausted, large anticipations had been made. And the superintendant had informed Congress that he could not with safety proceed farther and that some of the great war departments were at a stand for want of money. Letters and representations to the states had not had the desired effect. To give a full display of the situation of affairs in writing would be dangerous as it would expose it to the knowledge of the enemy. Congress therefore on the 27th May thought it proper to send two of their members to the states eastward and two to the southward to give them a confidential and full view of affairs and to stimulate them to a speedy compliance with the requisitions of Congress, particularly those relative to the impost and the quotas for 1782³ some time after, *viz* June 1 a Com'tt consisting of Mr. Osgood, Mr. Izard and Mr. Witherspoon reported a resolution for putting a stop to the drawing of any more bills. This was referred to the superintendant who reported a resolution to the same effect. And this together with the former report was referred to Mr. Rutledge, Mr. Lee, and Mr. Clark, and their report concurred with the former that a stop should be put to the drawing of any more bills for the payment of interest. The subject was taken up and debated in Congress. The holders of Certificates who had heretofore been paid

³ According to the *Journals* the action mentioned here as of May 27 was taken May 22. See nos. 515, 516, *ante*.

their interest in bills of exchange now took the alarm and remonstrated against this step.⁴ On the 12 July while this matter was under deliberation Mr. Lee presented a memorial to Congress stating that on the settlement of his accounts in August 1781, as there was then no money in the treasury he had taken a Certificate for the balance payable with interest at a future day, and that as all the other ministers whose accounts were settled had been paid in bills of exchange praying that he might be put upon the same footing with them and the Certificate given him taken up and cancelled. This was referred to Mr. Witherspoon, Mr. Lowell and Mr. Middleton, and notwithstanding the information given by the Superintendent that there were no funds on which bills could be drawn, notwithstanding a report of a Com'e in consequence of that information was then before Congress and under deliberation for putting a stop to the drawing any more bills, and notwithstanding the clamours of the holders of certificates which would naturally be increased when they found their interest stopped under pretence that Congress had no funds in Europe on which they could draw bills and at the same time drawing in favour of one of their members for a sum equal to one fortieth part of their whole interest, notwithstanding all this the Com'e on the 19 July reported "that the superintendant should be directed to draw a bill on Doct. Franklin in favour of Mr. A. Lee for the sum of £2238.17.9 sterling with interest from the 6 of August last, and that the Certificate given him for that sum being the balance of his acct. as settled by the board of treasury should be cancelled."⁵ The report was objectionable on another account. A special resolution had been passed 29 May 1781 for facilitating the settlement of Mr. Lee's acct.; no other voucher than his word of honor was required for his expences ordinary or extraordinary amounting to 155,191 livres 18 sous and 14 den'r^(a),⁶ he had without any authority expended for the State of Virginia a part of the monies he received for the public use to the amount of sixty six thousand eight hundred and fifty three livres, whereby he fell in debt to the Public; and it was only by allowing him to charge that sum on the promise of Virginia to account

⁴ See nos. 550, 560, *ante*. The resolution reported by Osgood, Izard, and Witherspoon is recorded in the *Journals*, June 26. The resolution reported by the superintendent of finance, to whom the committee report was referred, is in the *Journals*, July 1. The superintendent had previously offered such a resolution June 13, but it is marked "postponed". The report of the committee (Rutledge, Lee, and Clark) to which the report of the superintendent of finance was referred is not recorded in the *Journals* until Aug. 5 (p. 447), although the endorsement shows that it had been delivered July 18, debated and postponed July 22 (see no. 560, *ante*), and referred Aug. 5 to the grand committee (appointed July 22).

In the printed text here used the abbreviation "com^{tt}" for *committee* is frequently found. This is undoubtedly an erroneous reading of the manuscript. Thomson's most usual abbreviation was "com^{ee}", sometimes "comm^{ee}", occasionally "com^e", but never "Com^{tt}". In a few instances this same abbreviation appears where "com^r" (commissioner) must certainly have been written.

⁵ See the *Journals*, June 19, July 12 (p. 386 n.), 19.

⁶ "The board of treasury was ordered in adjusting Mr. Lee's acct. to compute from 15 Dec 1776 to 25 March 1780, which is 3 yrs. 3 mo. and 10 days including three months and after he was out of services, during that time he charged and was allowed for expences ordinary and extraordinary the sum of 155,197.18 Livres 4 Den'r which is at the rate of 47382 livres or 9476 2/5 dollars per annum and besides this a salary of 500 pound's sterling a year." This note is in the original.

for it with the United States, that he became a public creditor; and by accepting a Certificate for the balance payable at a future day with interest he had put himself on a footing with other public creditors and therefore had no right to any peculiar favour or indulgence.⁷

Mr. Lowell, one of the Com'ee, informed the house that he had objected to the report on account of the want of funds in Europe but was overruled by the other members. The report of the Superintendant of the 4 [24] of May was called for and read and after debate the report of the Comm'tt was referred to the Superintendant of finance to take order.⁸

By this step Congress avoided the apparent inconsistency of conduct and partiality in favour of their own members and left it to the superintend't to falsify his own report and incur the odium of the public creditors by drawing in favour of Mr. Lee, or the resentment of Mr. Lee by a refusal.

566. THE CONNECTICUT DELEGATES TO THE GOVERNOR OF CONNECTICUT
(JONATHAN TRUMBULL).¹

PHILADELPHIA, July 29th, 1782.

Sir,

We had the honor to receive your Excellency's letter of the 12th instant with its inclosure.

No further provision has yet been made by Congress for demolishing the Continental bills at our Treasury. it has often been moved without success; we shall move it at a proper time, if thought advisable.

Congress have just passd an ordinance regulating the Commissaries of Prisoners which we hope will expedite the exchange of naval as well as other prisoners.² A plan is also in agitation for a general cartell, which, if settled according to Sir Guy Carleton's proposal to exchange seamen for soldiers, and that soldiers so exchanged shall not serve against America within one year, will bring on a general exchange. Congress have not given their reply to the above proposal, but will probably agree, with this alteration, that those soldiers shall not serve against the United States or their present or future allies within that time, and further it will be insisted on that the ballance due to the United States for support of the capitulants of Saratoga and Yorktown be adjusted and paid.³

An ordinance for regulating the Post Office of the United States is in agitation and will pass in a few days, by which some present inconveniences will be removed, and the revenue arising from that office increased. The State of Maryland have passd an Act granting to the United States a duty of five per ct. on importations, etc., so that the only States that still neglect are Rhode Island and Georgia, and by their means the whole measure is retarded to the very great injury of the United States, who

⁷ Concerning Arthur Lee's accounts see the *Journals*, Dec. 11, 15, 28, 1780, Jan. 2, 3, 8 (pp. 32, 35), 16, May 29, Aug. 6, 1781.

⁸ See the *Journals*, Nov. 18.

[566]¹ Mass. Hist. Soc., *Collections*, seventh ser., III. 367 (signed by Dyer, Root, and Benjamin Huntington).

² The *Journals*, July 24.

³ See no. 556, note 2, *ante*, and nos. 585, 589, *post*.

have no other means to pay the interest of monies received on loan; that of bills on France being wholly stoped.

The Continental Treasury is very low, not more than twenty thousand dollars being yet paid in all the States for the expenditures of the current year, and unless the States exert themselves in collections the most distressing and ruinous consequences must ensue.

The Financer's notes and bank bills are in full credit and paid on sight, and are rather preferred to money by the merch'ts here, and yet a shameful discount is placed on them, and large speculations made by traders in distant States, without regard to justice or public danger. . . . The agents of Pennsylvania and Connecticut are endeavoring to agree on the judges to settle the dispute between those states.⁴

567. ABRAHAM CLARK TO ELIAS DAYTON.¹

PHILADA. July 29, 1782.

Dear Sir,

I dare say you attribute to neglect my long silence on the Subject of my last letter.² The truth is, I have not been able to say any thing of importance on the Subject. Upon Genl. Lincoln's return from head quarters, he made a report for appointing three Brigadiers, one for Massachusetts Line, one for Connecticut and one for Jersey. with this report he laid before Congress a Letter from the Commander in Chief to the secretary at War, in which he states the situation of the three lines, and Urges the Necessity of Appointing Brigadrs. for the two former, but Signifies that the reasons in favour of a Brigadr. for Jersey are not equally strong with the former owing to their having but two Regiments; in this Letter you are named as having a right to promotion in case Congress think the measure necessary. the General also mentions you as a good Officer.³ This report of the Secretary at War was referred to a Committee who have not yet reported. The appointing Genl. Officers is by no means a popular Subject with Congress who think they have at present a Sufficient Number if properly employed.⁴

⁴ "Hic labor, hoc opus est!" (note in the original). In the Wyoming Historical and Geological Society's *Proceedings and Collections*, vol. XX. (1929), pp. 49-243, is a reprint of Barnabas Bidwell's *The Susquehannah Title Stated and Examined* (1796), edited, with an introduction, by Julian P. Boyd.

[567]¹ Harvard Univ. Lib., Sparks MSS., no. 49, vol. III., p. 268 (original).

² Probably June 7. A letter from Clark to Dayton of that date was listed in C. F. Libbie and Company's *Catalogue*, May 9-10, 1911.

³ Following the word "Officer" is an illegible word or an erasure. Washington's words are, "Colo. Dayton is an old Officer, and may justly claim the Rank".

⁴ The report of the secretary at war here referred to is dated June 24 and is found in the *Journals* under June 25. The letter of Washington which accompanied it is dated June 17 (Library of Congress, Washington Papers; another letter of the same date is in *Writings*, ed. Ford, X. 35, ed. Sparks, VIII. 308). The secretary at war was at Washington's headquarters (Newburgh) from June 12 to 18 (see the *Journals*, June 5). Concerning the promotion of Dayton see the *Journals*, May 8, June 3 (p. 315 n.), 5, Nov. 25 (p. 753 n.), Dec. 4, 12, 1782, and Jan. 7, 1783. On the date last mentioned Dayton was made a brigadier-general. See also nos. 711, 719, *post*. For earlier efforts in behalf of his promotion see Clark to Dayton Mar. 7, 1777, and Dec. 19, 1780, in vols. II. and IV., respectively.

Generals Parsons and Glover lately desired leave to retire for recovery of their healths untill they might be able to perform their duty, with a Suspension of pay during their absence. Upon taking their request into Consideration, Congress dismissed them altogether upon half pay; this indeed was an alternative proposed by them.⁵ these dismissions, especially Glovers will probably hasten the report of the Committee, as there are now two vacancys in the Massachusetts Line; but they know not what to say if Jersey is left out of the question and I can perceive they wish to have us forgot.

Congress is endeavouring to wipe of[f] every Unnecessary expence both in the Army and Civil Department, a work attended with great difficulty. The want of money embar[rasses] every department.

When ever I can say any thing agreeable on the Subject I shall not fail Writing.

568. CHARLES THOMSON, NOTES OF DEBATES.¹

[July 29, 30, 1782.]

1782, July 29.

The order of the day being called for to fix the salary of the Com'r² to be appointed, pursuant to a resolution of the 28 May last, to liquidate and finally settle the accounts of all the servants of the United States who have been entrusted with the expenditure of public money in Europe, a motion was made by *Mr. Telfair* for 4000 dollars per annum.

Mr. Smith objected to the fixing any salary, that it was not a standing office, that when the service was performed a *quantum meruit* should be allowed, that it would make a material difference whether a person was sent from hence or one residing in Europe was appointed. Some objections was made by several members against settling the accounts in Europe whereupon a motion was made by *Mr. Montgomery* seconded by *Mr. Lee* to reconsider the resolution of 28 May. Question taken, passed in the affirmative.

Mr. Ramsay moved to augment the number and instead of one to appoint 3 Com'rs. *Mr. Bland* was against the appointment altogether, thought the acct. should be sent over and settled by the proper officers in the treasury, spoke of improper contracts being made and old arms sent over.

Mr. Dyer was of the same opinion.

Mr. Madison was for sending a person or persons to liquidate but not with power finally to settle the acct.

Mr. Scott was of the same opinion—expatiated on the advantages of sending a person to examine vouchers on the spot, collect facts and evidences and give information; that instructions might be given in the way of a commission from chancery by which little would be left to discretion.

⁵ See the *Journals*, July 11 (p. 383 n.), 15, 18, 19, 22; cf. no. 569, *post*.

[568]¹ N. Y. Hist. Soc., *Collections: Revolutionary Papers*, I. 69.

² The printed text has "Com'tt", but this is doubtless an error, as "commissioner" is uniformly used in the *Journals*.

Mr. Bland spoke again; concurred in sentiments with Mr. Scott and moved to commit the resolution.

Mr. Witherspoon spoke to the same effect and seconded the motion for committing.

Mr. Telfair made a rambling speech.

Mr. Lee spoke much of the necessity of investigating thoroughly the accts. of merchants and people employed in France, mentioned the accounts offered to the Com'n in France by M. Monthieu, an acct. in one line of so many suits of Cloaths, or so many shoes, blankets etc., but no invoices. And the most they could get from him was so many bales, casks etc. but no acct. of the contents of each, that it was necessary to examine persons at the ports of delivery relative to the quantity recd.

The Resolution was com'd to Mr. Scott to report the powers with which the Com'r should be invested, a draught of instructions to be given and to confer with the Superintend't of finance on the subject.³

1782, July 30.

A letter from the Secretary of War was read, enclosing a list of promotions and appointments in the Connecticut line made by the Council of Safety of that State.

Mr. Cornell observed that the promotions were made not only on account of death, desertion, and resignation, but also on account of officers retiring. That he understood it was become a custom among the officers of that line, when tired of the service, to withdraw from the army with the consent of their superior officers, and under the title of *retiring* officers to claim half pay for life and that thereupon others were promoted in their stead. That if this practice was allowed and the claim admitted, he saw nothing to prevent the State from putting every man in it on the half pay establishment and therefore objected to the granting Commissions.

Mr. Dyer seemed to admit the custom, and justified it by observing that the same was practised in other States; other States did it in a hidden way, "this return is honest, fair, plain, no disguise;" several spoke on the occasion and reprobated the practice.

A motion was made to commit.

Mr. B. Huntington observed that some of the promotions and appointments were made on right principles, though others were on wrong. he therefore was for commitment, which was agreed to.

The Secretary of War having some days ago reported on a memorial of Webster and Judd, in behalf of the deranged officers of Connecticut line, stating that the half pay to which they were entitled by the acts of Congress of the 3 and 21 Oct. 1780, was not paid, and praying Congress "that such effectual and seasonable provision may be made as will comport with the aforesaid resolutions, relieve the distressed and answer the just expectation of the said officers," and the report having been referred to Mr. Cornell, Mr. Montgomery, and Mr. McKean, the Com'tt reported the Congress should resolve *That it was inexpedient to comply with the*

³ See the *Journals*, May 28, 29, July 25, 29 (and note), Nov. 18 (and note), 20, Dec. 10.

request of the memorialists. This was objected to, as improper. That it was not doing justice to Congress, nor would it satisfy the memorialists to ground the denial upon inexpediency. That it was out of the power of Congress to comply with the request, as the States had not furnished the necessary supplies of money; and therefore

Mr. Duane moved to insert *impracticable* in lieu of *inexpedient*.

Mr. Cornell and *Mr. Montgomery* of the Com'tt present, informed the house that the memorialists were sensible of the deranged state of the public finances and the inability of Congress to pay at present, and therefore only requested to have their accounts settled and Certificates given for the sums due, payable, with interest, at a future day; that the report was calculated to meet this request, which the Com'tt thought it to be inexpedient to comply with till funds were granted for the purpose. this explanation not satisfying the house and the question for *Mr. Duane's* amendment being lost, the report was postponed, and a motion was made by *Mr. Bland*, seconded by *Mr. Lee*, "That the memorialists be informed it is not now in the power of Congress to make a general arrangement for liquidating and pay the half pay due to the reduced officers, and that it would be inexpedient to make a partial arrangement for that purpose."

This brought on a new debate, in the course of which *Mr. Clark* expressed a doubt whether the States or Congress were bound by the Resolution granting half pay to the officers, as it had passed by the votes of only eight States, for though it passed before the articles of Confederation was finally ratified by all the States, yet being for the appropriation of money, and that to be made at a future day, and the votes of nine States being now necessary for that purpose, he doubted whether Congress or the States would agree to it, and therefore was against any new promises tending to confirm the former act; *Mr. Dyer* and *Mr. Cornell* were also against confirming the former acts by new engagements and mentioned that the Eastern States were opposed to the measure, and would not make grants to enable Congress to comply with the resolution.

Mr. Dyer said that the State of Connecticut would agree to make some compensation to officers for past services and sufferings, nor would it object to the paying officers who retired under the act of 3 and 21 Oct., 1780, a sum equal to their half pay during the war, but the State expected that all these pensions should cease as soon as the war was at an end.

Mr. Madison combated the objection of *Mr. Clark*; the doctrine it intended to establish was dangerous and if admitted would sap the foundation of a credit, and might be attended with the most ruinous consequences; that the States were as much bound by acts of Congress, which passed by a majority of votes, before the ratification of the Confederation as they would be now by the number of votes required by the Confederation: that on this rested the treaties and alliances already made and the instructions given to our ministers abroad to enter into other treaties and alliances; on this rested the money borrowed and the debts contracted, at home and abroad, for the payment of which the public faith was solemnly plighted and for which the States must provide funds, that the fixing of the pay of the army rests solely with Congress and that the

States are bound to provide for what is stipulated and granted to the officers and men, whether to be paid then, at certain periods and in certain sums during service only, or while in service and for years or lives after the termination of the war; *Mr Duane* supported the argument of *Mr. Madison*. *Mr. Root* was for postponing the farther consideration of the subject, *Mr. Cornell* was of the same opinion and thought the officers who were at home had the less reason to complain, as those in the field were not paid. Several other members spoke, at last an adjournment was called for and the house broke up without coming to a decision.⁴

569. DAVID HOWELL TO THE GOVERNOR OF RHODE ISLAND
(WILLIAM GREENE).¹

PHILADELPHIA, 30th July, 1782.

Sir:

. . . . Eleven States have transmitted copies of their acts vesting Congress with a power to levy and collect a duty of 5 pr Cent. on Imports and Prize goods; all of which acts are passed on the express condition that the measure shall be universally adopted throughout the Ud. Ss. and some of them have other conditions annexed; Such as the following. That after a term of years it shall be in the power of the State to substitute some other revenue equally productive and which shall be approved of by Congress; That no part of the revenue shall ever be appropriated to the discharge of half-pay pensions, etc. That the State retain a right of appointing or suspending the Train of revenue officers, within its jurisdiction, etc., etc. Whereon I shall only observe that a reluctance against the measure appears from the mode of compliance therewith in some instances.

A Committee was lately appointed in Congress to enquire into the reasons why the other States had not complied with this recommendation before whom, on notice and request, the Delegates for the States of Georgia and R. I. and Pr. Pl.² appeared to give Information. Having discovered on my arrival in this City that all the members of Congress, as well as the Inhabitants, were universally in favour of the Impost, and concluding that my single voice would be unavailing against the general Current, I cautiously avoided entering unnecessarily into the discussion of the Subject, but being called on this occasion to assign the reasons which induced a delay on the part of my Constituents, a fair opportunity opened and I embraced it with pleasure, to lay before the Committee the following representations—

That the maritime Situation of our State peculiarly exposeth us to the attacks of an enemy in a time of War. By a *coup de main* an enemy may lay waste our Seaport towns all around the Naragansett-Bay, destroy our Navigation and plunder the whole treasure of our little State; in

⁴ See the *Journals*, July 19 (p. 404), 25, 30.

[569]¹ R. I. Arch., Letters to the Governors, 1782-1783; Staples, *R. I. in Cont. Cong.*, p. 381.

² "Pr. Pl." (sometimes "P. P.") is Howell's frequent abbreviation for Providence Plantations.

which said Catastrophe the value of the State would be reduced to that of a County in the neighbouring States; and yet we should have no claim in virtue of any compact, or Stipulation, on the federal Union for a reimbursement. That in fact this had partly taken place, our State had been invaded and plundered, our Towns burnt and partly torn down, and our Navigation reduced to a very low ebb, so that out of the ancient and once wealthy Town of New-Port, which, in the year 1774 sent to Sea nearly 150 sail, three only were at Sea in March 1782: Wherefore, if any substantial revenue could be derived from a duty on trade, this benefit ought, in all right and justice, to belong solely and exclusively to the State in Compensation for losses already sustained, and as a Security against still more fatal evils to be apprehended in all future Wars—That this was the voice of nature, the voice of reason and the voice of *Confederation*, the Constitution of the Ud. Ss. which had, in this particular, secured to us our Birth-right, *Viz.* the whole, entire emoluments of our own Trade.

It was moreover represented—That, in fact, the measure in its present form tended to raise a revenue within our State and from the earnings of its Inhabitants to be carried to the general credit of the Ud. Ss.: Inasmuch as, not only in the first instance, would the Merchant be compelled to pay the duty at all events on Importation, which it might, or might not be in his power to superadd to the price of his merchandise: but admitting the duty to be superadded, and the revenue to be wholly drawn out of the consumer: the first consequence would be an obvious inequality in respect to individuals, and the second a no less obvious inequality in respect to the Several States—and that our State would feel this grievance more sensibly than any other State in the Union, as consisting more of Merchants, manufacturers and tradesmen who are chiefly subsisted on imported goods and consuming a greater proportion of dutied articles would pay an unequal part of a revenue to be appropriated to the common benefit of the Union. Another consequence would be the rise of the prices of such articles of country produce as may be substituted in lieu of imported articles, which would no doubt continue to bear nearly their usual proportion to each other, and being drawn from our neighbouring State, although by an Inland communication, they would thus in fact come charged with five pr. Cent. duty, which would be pernicious to our interests, and increasingly so in all future time. And, moreover, that inland duties, imposed at the pleasure of our neighbours, on specific articles in addition to their prices thus unnaturally raised, (which by the way, the *Confederation* authorized them to impose) and temporary Embargoes, the effects of which we had sorely felt during the State bill, might lay us wholly at their mercy and precipitate our ruin; while, on the contrary, should trade remain unfettered with duties, and free to all the world, while our Ports continued open, supplies might be drawn from any part of the World, whereby we might be enabled to treat with our neighbours, however extensive their territory, or however overbearing their temporary insolence, upon terms of equality.

It was further represented—that it derogated from the Sovereignty and Independance of the State for the Ud. Ss. to draw a Revenue for their benefit out of our State and to collect it by their officers. For that all monies raised in a Sovereign State ought to pass to the credit of that Sovereignty exclusively; and all civil officers acting in a Sovereign State ought to be authorized by and accountable to that Sovereignty—The contrary being a Solecism in politicks, and in this case injurious to the State.

That such was the State of mankind that the experience of ages evinced the extreme difficulty of collecting duties on trade—That this difficulty would be less should the duty proposed be laid on by the State for its own benefit and greater in the measure proposed. In the former case it would be the interest of every citizen to aid in the collecting with a view of lightening his own Tax thereby: in the latter, he would not only promote his own particular interest by avoiding the duty in his own case, but the interest of his State in abetting others in the practice. Therefore it was not probable that the measure proposed was practicable, at least so as to afford any considerable net produce, after deducting the vast expences of the numerous officers necessary in the collecting and after management thereof.

That the term of its duration was exceptionable and precluded the State from the possibility of revoking their grant in any future Period, should experience prove it ever so unprofitable and ruinous.

That Congress were not to be accountable for the amount or expenditure of this revenue but on the contrary it was to be absolutely at their disposal, during a term of time which would be wholly in their power. That perhaps it might really be the Interest of the Ud. Ss. never to discharge all the debts contracted, and to be contracted during this War, and if so the duty, by the terms of the grant, was to remain to perpetuity.

That however safely this extraordinary, uncontrollable and unaccountable power might be granted to the present Congress, a change of times and of men might bring forth abuses at present unthought of, and cause us to rue the fatal day when we so rashly devested ourselves and that irrevocably, of a power naturally inherent in the several States and guaranteed and secured to us in Confederation. It was further represented—That the measure proposed in addition to all the evils aforesd. had an unpromising aspect upon the morals of the community at large, by multiplying oaths, by increasing temptations to perjury both in officers of the customs and in citizens, and by nourishing in idleness and Luxury a numerous train of Collectors, Comptrollers Searchers, tide-waiters, Clerks, etc. etc., whereby the country would loose the benefit of their industry and incur the additional charge of their support, and that not to *create* a revenue but only in order to throw taxation out of its *present channel* and to bring the weight thereof upon particular setts or descriptions of men in the community to their great and lasting injury.

That it did not appear as yet in what manner Congress would enforce the Law proposed, whether prosecutions were to be commenced, or penalties were to be recoverable in the common courts of justice, or whether the Maritime Courts were to be empowered to have cognizance thereof

and that the general plan for the execution of the Law might affect the propriety of making the grant in question.

That I had lately received pointed instructions to make urgent application to Congress in behalf of my Constituents for a participation in the vacant, or *back lands*, to which they claimed, for reasons the most substantial, a good right in common with their Sister States. That Congress had hitherto delayed to come to an ultimate decision hereon, And as some States pertinaciously persisted in claiming exclusive rights to sd. lands: it was not to be expected that our State would part with all the benefits of its maritime Situation untill some assurance could be obtained of a Participation in common with other States in the back lands, which ought to be considered as a continental acquisition and to be appropriated accordingly—but this was thrown out as a reason of the delay in question only conjecturally, not being so assigned in the instructions referred to.

After proposing the following alterations, *viz.*:

1st. That each State retain the power of chusing the officers of the revenue to be collected within its own jurisdiction.

2. That the revenue arising from this duty be carried to the credit of each State, wherein it shall be collected respectively, and deducted from their annual *Quota* of continental requisitions, I withdrew, not a little mortified at having been opposed rather than seconded by my Colleague.

It ought also to be noted that on this occasion, the extraordinary exertions of our State during the whole contest, and on the opening of the present campaign in special were mentioned and not contested and added much weight to the foregoing representation in behalf of the State; And that the Committee have not yet made their report, which no doubt will produce a renewed application to the State: For, the same reasons, which make it against our interests to make this grant, make it the interest of the whole Union to solicit it, which you may expect will be done with the most unremitting importunity.

After the part I have taken in this matter, which has been done with views the most disinterested, so far as I am personally concerned, my Constituents will not expect any direct advise on the Subject; and knowing they possess integrity and abilities sufficient for the places they respectively fill, in all events, I shall always endeavour to reconcile myself to their determinations and govern myself by their instructions, however contrary to my private opinion.

A grand committee for the support of public credit has lately been appointed in Congress; and I shall endeavour as one of that committee to bring on a decision respecting the *back-lands*.³ They would, undoubtedly, be a means in our hands of reviving public credit; they are of vast extent and value, beyond what is generally known or conjectured. A gentleman of no mean Talents in Finance thinks well of this plan, and that in a course of time they would enable us to discharge a great part of our

³ The grand committee was appointed July 22. See the paragraph below, dated July 31, the *Journals*, July 31, Aug. 5 (pp. 446 n., 448 n.), and nos. 573, 579, 580, 590, 593, 597, 606, *post*; see also no. 514, note 4, *ante*.

national debt. So much in regard to the instruction on that head, referred to in your Excellency's Letter of 17th June last.

The Commissioners appointed by the resolve of the 20th of February last, are to liquidate and put on the list of the funded debt, which is to draw Interest. all the Certificates issued on account of the Continent in the Several States. And it is proposed that in the Settlement to be made by the Commissioners, the States have credit for their taxes of old money actually collected and paid in, and be charged with their deficiencies, but this arrangement is not completed, nor final as it would affect individuals in possession of said bills, as I can yet discover. . . .

By a resolve of the 23 October, 1780, the officers who shall continue in the Service to the end of the war, shall be entitled to half pay during life as well as those who are reduced by the resolve of the same day, and others deranged by other resolves and permitted to retire, whereby the Ud. Ss. are loaded with half pay officers, even during the war, and that which was intended as an antidote against depreciation is continued even now when the army is paid in hard money; and having been originally intended as a motive to keep officers in the army, is now become a temptation for them to leave it. And what is still more extraordinary by another resolve, half pay is to be made in all cases in proportion to full pay, so that a M. G. and B. G. draw their half pays instead of the half pay of a Colonel—against the universal custom in all European nations, where there are half pay establishments. A Major General and a Brigadier General lately applied to Congress for leave to retire on the half pay establishment, and obtained it,⁴ and officers of inferior grades in the Line are daily retiring on half pay and others are advanced to take their places whereby we have duplicates and triplicates of officers in some instances, and an enormous expense is incurred.

This in my opinion calls loudly on the legislatures of the States either to provide Funds (which will be insufficient,) in addition to the five per cent. or to instruct their delegates to discontinue the practice. I the rather wish for instructions on this head as I am so unhappy as to differ from my worthy Colleague on these points, tho I do it with much diffidence and reluctance.

A report lies before Congress from the office of Finance recommending the five pr cent., a Land tax of one Dollar pr hundred acres, and a Capitation tax. From this report Congress have taken and recommended only the five pr cent. *Quere*. Would either of the other two be eligible?⁵

July 31st.

This day the Grand Committee referred to above for reviving credit reported the expediency of taking up the Consideration of the cession made by New-York Connecticut and Virginia, so as ultimately to bring on a decision of Congress upon the subject of the *vacant Lands*. a motion was made and seconded by me that next Wednesday be assigned for con-

⁴ Major-General Parsons and Brigadier-General Glover. See no. 567, *ante*.

⁵ See the *Journals*, Aug. 5, and nos. 572, 606, *post*.

sidering [the] report; the yeas and nays were called and the question was lost by our State being divided. And so nothing is likely to be done about that part of your Excellency's Instructions. . . .

P. S.—Please to excuse inaccuracies.

This letter is too long to transcribe; and Mr. Morris has this moment sent me a note, requesting the reasons, in writing, why our State has not complied with the recommendation for five per cent., as he is about to write to the State on that subject.⁶

570. THE VIRGINIA DELEGATES TO THE GOVERNOR OF VIRGINIA
(BENJAMIN HARRISON).¹

PHILADELPHIA July 30th, 1782.

Sir,

We deliverd the Letter to the Chevalier de la Luzerne, enclosd in that your Excellency honord us with on the 19, together with the apology you desird for your Congratulations, on the auspicious event of the birth of a Dauphin, having arrivd so late. The Minister expressd his satisfaction in relieving it.

The Secretary for foreign Affairs will pay proper attention in future to your Excellency's Address.² Due enquiry will be made by the Post-master-general, into the miscarriage of our Letter of the 9th ult. of which we now send a Copy.

We shall make all possible enquiry concerning Mr. J. Todd and his proceedings here.³

That part of your Excellency's Letter of the 11th relating to the expence of garrisoning York and Glocester, was laid before Congress, and referrd to a Committee, which has not yet reported upon it ⁴ We shoud be happy to hear, from time to time, of the success of the recruiting plan.

It is so confidently reported here, that a fleet of 13 Sail of french Ships of war, with 4000 land Forces and a numerous Convoy, are arrivd in the Chesapeake; that we cannot help congratulating your Excellency on an event, which promises so much to our State and to the Union.

571. JAMES MADISON TO EDMUND RANDOLPH.¹

PHILADELPHIA, July 30, 1782.

Dear Sir,

I was not mistaken in my [intimation that an attack would be made on] ² the [last *commission*] and [instructions] relative to [peace. On

⁶ Howell's statement is in Staples, *R. I. in Cont. Cong.*, p. 391. A letter from Morris to the governor, dated Aug. 2, is *ibid.*, p. 387; also in Wharton, *Rev. Dipl. Corr.*, V. 639. That Howell's mind had for some time been definitely fixed on the question of the impost is evident from a letter which he wrote to Governor Hancock nearly a month before he took his seat in Congress. The letter, which is dated at Boston, May 13, is in Haverford College, Roberts Coll., 722.

[570]¹ Va. State Lib., Executive Papers (signed by Bland, Madison, and Lee).

² See the governor's letter of July 19 (*Official Letters*, III. 273), also his letter to the Chevalier de la Luzerne, July 15 (*ibid.*, p. 274).

³ Col. John Todd of Kentucky. He was killed at the battle of Blue Licks Aug. 19, just one month from the day on which Harrison made his inquiry.

⁴ See the *Journals*, July 24 (p. 415 n.), Aug. 27, and no. 561, *ante*, nos. 581, 589, *post*.

[571]¹ Library of Congress, Madison Papers, Ac. 1081; *Papers*, I. 155.

² Words in square brackets are written in cipher.

Wednesday] last the [motion was made by Mr. Lee] and [seconded] by [Bland] at [first but] afterwards by a member from Mas:] the [rule for reconsid'g] so requiring. Not a word [was said] against [the] underscored in the third line.³ The arguments on the other point were drawn from a source which need not be pointed out to you. An [adjournment arrested the debate.] An intended [renewal was announced but has not yet taken place.]⁴

I have found means hitherto of parrying the [attack on] the [notes of Morris.] My [colleagues have repeatedly] pressed the necessity of an [act of congress] for [ratifying the convention] on that subject be[tween] him and the [assembly] os[tensibly for the security of] the latter but [really] to bring the [subject before congress.] At present [Bland seems] to decline the object, as having an [ill tendency.]⁵

[P. S.] My situation obliges me to remind you of my late request touching pecuniary matters. If the interposition of your endeavors shall be necessary, to hasten a supply, it will I assure you be a very acceptable instance of your friendship.

572. CHARLES THOMSON, NOTES OF DEBATES.¹

[July 31-August 2, 1782.]

1782, July 31.

A motion was made by *Mr. Root*, seconded by *Mr. Condict*,

Whereas, Congress, by their resolution of 21 Oct. 1780, did in consideration of the merit and sufferings of the officers of the army grant to those who should continue in service to the end of the war or be endangered, in pursuance of the acts of 3 and 21 Oct., 1780, half pay for life;

And Whereas, Application is made by some of those officers for an adjustment of their half pay and Congress having no funds provided for discharging the same, resolved, that it be recommended to the several states to carry into effect the resolution of Congress of 21 Oct. 1780, granting half pay for life in regard to the officers in the lines of their respective states, and every state which shall settle with the officers belonging to their respective lines in regard to their half pay aforesaid and cause the United States to be exonerated therefrom shall be discharged from contributing any thing towards the half pay of officers in the line of any other state.

Mr. Dyer opened the debate by observing that the resolution to grant half pay for life to the officers had occasioned more uneasiness in some

³ That is, the commission. See no. 546, note 4, *ante*.

⁴ Apropos of Bland's course in Congress at this time a letter to him from Edmund Randolph, July 19 (*Bland Papers*, II. 85), is of especial interest. Randolph is replying to a letter from Bland July 2 and discusses the question whether a member should vote in accordance with his own views or conform to those of his constituents.

⁵ Concerning the notes of Morris, see no. 562, *ante*. In the text of this letter as printed in Gilpin two paragraphs of Madison's letter of July 16, "All the movements Asgill", are repeated.

[572]¹ N. Y. Hist. Soc., *Collections: Revolutionary Papers*, I. 73.

of the States than any measure ever adopted by Congress. Some of the States it is true were for the measure. Pennsylvania had a similar provision for their officers before Congress passed the resolution. The States who were against granting half pay for life were not against making some compensation. The resolution proposed would satisfy the officers and the State and therefore he hoped it would be agreed to.

Mr. Bland moved to amend the Resolution by striking out "shall be discharged," etc., to the end, in lieu thereof inserting "shall be credited in their annual quota to the amount of the half pay of the officers settled with." *Mr. Clymer* seconds the amendment.

Mr. Dyer against the amendment. It would not satisfy the States which objected to the half pay. They wanted to be discharged. They would settle with their own officers and satisfy them and then wanted to have done with it.

Mr. Cornell was against both the motion and amendment; spoke against both.

Mr. Witherspoon desires to know the difference between the original motion and the amendment, thinks the argument should be confined to shew that the motion is better without the amendment, or that the amendm't excels the motion as it stood.

Mr. Bland explains that he meant by the amendment that the States should be jointly bound to the officers; but he had no objection that every State which settled with its officers should have credit for the amount of their half pay.

Mr. Madison. All charges of war are by the Confederation to be paid out of one treasury. The motion violates this article of the Confederation; the amdmt is more conformable to it; but still does not meet his approbation.

Mr. Clark is against the amendment and in favour of the motion, supports the opinion he advanced yesterday that the States are not bound, distinguishes between Congress and the States, thinks Congress are bound to do every thing they can to carry their resolution into effect. The recommendation contained in the motion is all they can do. Is not against doing justice to the officers and if the resolution passes has no doubt but the States will do them justice.

Mr. Telfair. Some of the States are not in a situation to do anything and their officers will be unprovided for; for "*his part* he will be against the whole."

Mr. Witherspoon is against the amendment, it does not make the proposition better, will not give greater security to the officers and will not satisfy the States which are averse to half pay for life. If the original motion operates to the disadvantage of any States it will be those who are in favour of it. But he reserves himself to speak to the motion when the question is taken on the amendt.

Mr. Montgomery objects to the motion but if he thought it would pass he would be for the amend't. The motion with or without the amend't would not satisfy the officers. It had been hinted by the Com'tt to the Memorialists yesterday and they objected to it with great warmth, said

they were officers of the U. S. and not of any particular State, that they looked to Congress for their half pay and would think themselves deceived if referred to States which were opposed to it. That there were many officers of independent and separate corps which did not belong to the line of any State, who would not be provided for.

Mr. Root. The original motion was confined to the line of the States, it left the general officers and those of independent and separate corps to be paid by congress and the States which settled with their own lines would be obliged to contribute their proportion to that expense, but he objected to the amendment because they would leave the matter as it now stood and expose them to provide for the lines of other States, which was what they wished to be discharged from. That they would satisfy the officers of their own line by making them a compensation at once. That the genius of their people would not brook the paying of annual pensions, that they could not bear to see men strutting about their streets in the port of masters who had a right to demand of the people a part of their annual labour and toil to support them in idleness. That they chose rather to pay their officers at once after the war and then see them descend into the class of citizens. He had seen one of the Memorialists this morning; he will be satisfied.

Mr. Bland supports his amendment, it is the only way to do equal justice to the officers and the States. Thinks it not worth while to answer the *sophistical* arguments against the power of Congress to make the grant and bind the States.

Mr. Ramsay. Against the whole measure, the States to the southward, particularly South Carolina and Georgia, from the circumstances of the war had more than their proportion of officers when the reform of the army took place in 1780, that it would be unjust that those States which had suffered the most by the war should be subjected to the payment of more than their proportion when it was over. That the war was for the common defence and the expenses should be borne by all according to their several abilities.

The question on the amendment was called for and the yeas and nays required by *Mr. Clark*. This brought up—

Mr. Duane. This is a subject of too much importance to be decided in this hasty way, it requires deliberation. He is not prepared to give a vote. He wants time to deliberate and weigh the consequences. Will it satisfy the officers to deprive them of the guaranty of the U. S. and transfer them to individual States. Will the individual States be willing to undertake this. He does not know. Will any member undertake for them; they ought to be consulted. The war is not over. It may yet make a great change in the circumstances of particular States. Would it be just that officers who may have bled and suffered most should from the inability of their State occasioned by the calamity of war be in a worse situation than others with regard to their half pay. These are matters that require deliberation. He is not prepared to give an opinion.

Mr. Clark maintains his opinion against the power of Congress, thinks that from the time articles of Confederation passed the rules by them

established bound Congress though they were not binding upon the States until finally ratified. He has no objection against allowing time for deliberation.

Mr. Montgomery and *Mr. Smith* move to postpone the farther consideration of the subject; *Mr. Root* attempts to alarm the fears of Congress by pointing out the dangers of postponing. Postponing the subject will be interpreted into a refusal; the army in the field are watching the conduct of Congress and will form a judgment by what is done for retiring officers, of what will be done for them when their arms are out of their hands. If they see justice done to those who have retired they confide in the promises and faith of Congress. But if they find them neglected or trifled with they will either quit the service immediately, or refuse to lay down their arms when the war is over until they have some better security. He thinks the measure was wrong at first. It was no part of the original contract with the officers. It was an extraordinary and gratuitous emolument. But being promised they consider it as their right and that no time should be lost in giving them confident assurances that they will not be deprived of it.

Mr. Duane laments that the measures of Congress however just and necessary at the time are unreservedly blamed by members who were not present when they were adopted or who do not recollect the circumstances which compelled the adopting them; is confident if any of those who now so freely condemn the resolution for granting half pay had been present at the time they would have given their assent. He could appeal to one as well satisfied and from his situation better able to judge than any other in the United States, he meant the Com. in chief, that without it the army could not have been kept together. He thought the measure right then, he thinks so still. It is a reward of military merit adopted by the wisest and finest nations of Europe. He is for complying with the promise made. But is not for giving a hasty opinion on the subject now before the house.

Mr. Lowell moved to add to the motion for postponing "till the first Wednesday in January next."

Mr. Dyer against postponing for so long a time.

Mr. Cornell not to be alarmed with the apprehensions of the Army disbanding or refusing to lay down their arms when the war is over. He is acquainted with the officers; he never heard such intemperate language from any of them. They are men of judgment and consideration and citizens of the U. S. They have an interest in the prosperity of their Country. They are sensible of the embarrassed state of our finances and will not abandon their duty because every thing cannot be done for them at present that ought to be done. They will wait with patience till our affairs are in a better situation. He is for postponing till the time mentioned.

Question put and carried in the affirmative.² A Report was then made by a grand Com'tt consisting of a member from each State who were appointed to consider and report the most effectual means of securing

² See the *Journals*, July 30, 31, and no. 569, *ante*.

public credit, "that it was their opinion Congress should come to a decision on the cessions made by Connecticut, New York and Virginia," and a motion was made to assign a day for taking up *the report*.

Some of the members spoke against it, apprehending that the motion referred to the report of a Com'tt on the cessions.

Mr. Clark thought it involved questions which could not be decided till the war was over. He wanted to know where the land lay which was ceded; what right the states which had made the cession had to the land they ceded. That the boundaries of the several states should first be settled. He was against taking it in consideration now.

Mr. Lowell wanted to know what right New York had to the lands she had ceded; that if any state had a right it must be Massachusetts, Connecticut and Virginia.

Mr. Duane had no objection to go into an examination of the right of New York. He was prepared to enter on the subject and was furnished by his state with documents which he had laid before the grand Com'tt and which would prove to the satisfaction of every impartial person the incontestable right of New York to the lands ceded.

Mr. Dyer. Other states have not come so well prepared, it would therefore be improper and injurious to those states who claim the land ceded by New York to go into that matter now. The motion being explained and confined to the report from the grand Com'tt.

Mr. Jackson, objects to the consideration of it as a means to establish public credit. A good deal of conversation passed on the subject, at last the question was put and the yeas and nays being required by *Mr. Witherspoon* it was lost, only six states being in the affirmative.³

August 1.

A plan for regulating the departments of the Adjutant General was taken into consideration and passed; the principal debate respecting it was on a paragraph for allowing the Adjutant General to draw four soldiers from the line as servants to wait on him. It was objected to by *Mr. Montgomery*, *Mr. Scott*, *Mr. Witherspoon* and *Mr. Lee*. *Mr. Cornell*, *Mr. Bland* and *Mr. Duane* supported it. At length by a compromise the paragraph was struck out and the number of servants to be taken from the line by the Adj. Genl. was left to be settled by a general regulation which should include the officers of the Army.⁴

A motion was then made by *Mr. Lowell* that *Mr. John Temple* might be furnished with a copy of *Mr. Adams's Letter* of 16th August 1781 respecting him, the letter being produced and read.

Mr. Duane objected to the motion as improper. The letter was written to Congress by one of their ministers who declares he wrote it without the knowledge of *Mr. T—*; it would tend to destroy confidential communications from ministers if copies of their letters were made public. He had no objection against sending a copy to the Executive of Massachusetts who had ordered an enquiry into the conduct of *Mr. T—*.

³ See no. 569, note 3, *ante*, and nos. 583, 606, *post*.

⁴ See the *Journals*, and no. 619, *post*.

Mr. Lowell thought *Mr. T*—— had a right to a copy.

Mr. Lee was of the same opinion. He blamed the conduct and resolution of Congress, said they had insinuated suspicions and drawn conclusions which that letter did not warrant, and therefore he ought to have it for his justification. He was personally acquainted with *Mr. Temple* and knew him to be a warm friend to America and had suffered much for his attachment to it.

Mr. Madison denied that Congress had drawn any conclusions from that letter prejudicial to the character of *Mr. Temple*. The jealousies and suspicions respecting him were grounded on his conduct which was notorious to an American. His coming from England in 1778 by the way of New York at the same time the Commissioners were sent. The person accompanying him, *Doct. Berkenhout*, a known agent and emissary of the British ministry. His return to England without permission or notice given of his intention. The rumours and publications respecting his intercourse with the British ministry. His coming again to America at a very critical time. These were the circumstances on which the suspicions were grounded. And as it was understood that he sheltered himself under the cover of being the bearer of public dispatches from *Mr. Adams* and appealed to a letter written in his favour by *Mr. Adams*, Congress related only simple facts; namely that the subject of the letters with which he was entrusted and those which *Mr. Adams* sent at the same time by another conveyance evinced that he had not the full confidence of the minister and that *Mr. Adams* Letter did not account for his past conduct and explain his future views. He appealed to the records of Congress and to the letter just read whether these were not facts truly stated. *Mr. T*'s conduct was at least mysterious. Congress acted properly. He was against granting him a copy of the letter, but had no objection to sending it to the Executive of Massachusetts.

An adjournment was called for and no question taken.⁵

August 2.

A Letter from *Mr. Jay* was read containing an account of his negotiations with the Spanish ministry from Oct. 3 1781 to April 28 1782, the date of the letter; the delay, chicane and slight he met with and particularly his embarrassments on account of the bills drawn on him and the necessity he was at last under of protesting some of the bills for want of money. As soon as the letter was read—

Mr. Rutledge moved that a Com'tt be appointed to revise the instructions given to *Mr. Jay* and report what alterations and additions if any should be made.

This was seconded from every quarter of the house and a Com'tt of five were chosen.

Mr. Lowell then moved that the Letter of *Mr. Jay* of the 28th April and the instructions given to the ministers for negotiating a peace should be referred to the same Committee.

⁵ See no. 451, note 3, *ante*.

Mr. Madison called for a division. He approved the committing the letter but objected against the other part of the motion. It was a delicate subject and ought to be handled with caution and circumspection. The introducing it at this time would give ground to suspect that there was something in the letter which gave rise to it. That the Letter contained new proof of the friendship of France. That if at the moment we were about to revise and alter the instructions respecting Spain a step was taken which might shew our want of confidence in France and give offence to that Court it might endanger our affairs.

Mr. Lee had no objection against dividing the question but could not be easy nor think himself justified to his constituents until he brought forward the subject contained in the other part. He did not approve the present mode of bringing it on, it was too indirect. He had made a motion which was before the house on which he was determined to call the yeas and nays. He then inveighed against the instructions of the 15 June, 1781, as derogatory to the honor, dignity and independence of the United States, contrary to the treaties made with France and which must expose us to the contempt of our allies and all the nations of Europe.

Mr. Lowell thought this the most delicate way of introducing the subject and which he hoped would have met the sentiments of every member as well those who were in favour of as those who were against the instructions. That the subject must be debated, that the motion for referring them to a Committee with other matters did not involve the approbation or disapprobation of them by Congress and could give no offence. The Com'tt might think it proper to adhere to them and make no report or if they judged it proper to make any alteration they would have time to deliberate on the mode and manner.

Several other members spoke. On a division the question for committing the letter passed in the affirmative and the other part of the motion was put off by an adjournment.⁶

573. DAVID HOWELL TO WELCOME ARNOLD.¹

PHILADELPHIA 3 August 1782.

Dear Sir,

. . . ² The establishment of funds to discharge at least the intrest of the national debt; and thereby, the revival of national credit, are the great objects before us at present. Fighting has grown out of fashion—little more of that is to be expected in this Country, but when we shall have

⁶ See nos. 562, 564, 565, *ante*, the *Journals*, Aug. 2, 5-8, and nos. 579, 585, *post*. Jay's letter of Apr. 28 is in Wharton, *Rev. Dipl. Corr.*, V. 336. See also his letter of Oct. 3, 1781 (*ibid.*, IV. 738), and Livingston to Jay Apr. 27, 28, 1782 (*ibid.*, V. 332, 377). Jay's letter of Oct. 3 was read in Congress Mar. 18. See also the *Journals*, Mar. 20, 21, and nos. 464 (note 3), 498, 505, *ante*. The question of revising Jay's instructions was involved in the larger question of revising the instructions relative to peace. See nos. 597, 599, *post*.

[573]¹ Hist. Soc. of Pa., Gratz Coll., M. O. C.

² In the omitted passage Howell dilates upon the subject of the five per cent. impost, for one thing, and upon democracy, for another. On the latter subject he remarks: "In short, as you go Southward, Government verges toward Aristocracy. In New-England alone have we pure and unmixed Democracy and in Rhode Island and P. P. is it in its perfection. I hope it may be long preserved. Should our little State have the credit of preventing the 5 per Cent. from taking effect it would be to us an additional gain."

peace God only knows; although there are appearances of it, and they seem to encrease and brighten; it may however be distant.

The back-lands are a subject of conversation and which has been lately before Congress. There are two different opinions respecting them in Congress: six States are for acting upon them now, and I think three against it and two divided, one of which is ours. Pray give me your opinion, or does it accord with our late instructions on that head?

We expected the States who hold up extravagant claims to the westward, might have been prevailed upon to have made liberal cessions to the Ud. Us. after the example of New-York and Connecticut; but after the war is at an end and those lands shall have become more valuable, will they not prosecute their claims with more vigour? Now is the time to settle this matter, lest, after the war fresh flames should be rekindled in a dispute, which will then be considered of more consequence. I am not for selling the lands, but should the Ud. Us. hold such a vast territory by cessions from the respective States, it would certainly give them credit to the amount of their value, and would in time contribute to the discharge of our national debt. The States are extending their Settlements and claims daily. The lands will more and more be taken up by individuals and *their* claims will increase and gather strength and eventually defeat any future advantage to the Continent at large.³ . . .

574. THE NORTH CAROLINA DELEGATES TO THE GOVERNOR OF
NORTH CAROLINA (ALEXANDER MARTIN).¹

PHILADELPHIA, 3rd August, 1782.

Sir:

You will observe by the public papers the mode that is adopted for holding up to public shame the States who are backward in performing their share of public service or in contributing their share towards the necessary expences of the War. We have not to inform you that North Carolina has long been viewed in a very unfavorable point of light. It is our Resolution that if she suffers for the future in the voice of Fame, it shall not be from the want of a friend to advocate her cause. As a contrast to the Monthly Publications of money received for the public use from different States we drew up and caused to be published in the *Pennsylvania Journal* and *Packet* of this date and the first Instant a Summary account of what our State has done for the present year, in which we hope that you will admit that while we strictly adhered to truth we have given no unpleasing picture of our Country, or rather of our fellow Citizens.

575. JOHN TAYLOR GILMAN TO THE PRESIDENT OF NEW HAMPSHIRE
(MESHECH WEARE).¹

PHILADA. Augst. 5th, 1782.

Sir,

By Mr. Lowell who sets out for Boston this day I am favoured with an Opp'ty of writeing you. . . . It is generally believed that our Enemy

³ See no. 569, note 3, *ante*, and no. 580, *post*.

[574]¹ *N. C. State Recs.*, XVI. 388 (signed, "Hu. Williamson, Wm. Blount").

[575]¹ *Mass. Hist. Soc.*, C 81 B 83.

are in Earnest for a general Peace, and it is said have Commiss'rs now in France for this purpose. some Gentlemen here are so Sanguine as to Say we Shall have peace within a few Months, but I am not of this number—are in Daily Expectation of having some Important accounts from Europe.² our affairs in the United Provinces are undoubtedly in a good Situation.

. . . . Congress have now under Consideration sundry Reports for Lessening the Expences of our Army by reducing the number of Officers etc., we have now in full pay more than double the number which is necessary, but, (from a Variety of Causes) it is hard work to make those deductions. I Inclose you a Copy of Resolution of the Legislature of Virginia, passed in Consequence of the Recommendation of Congress of the 20th Feby. last, it needs no Comments.

In my Letter of the 17th Ultimo I wrote you respecting the States making a Settlement with the Cont'l Troops of their Line for the years 1780 and 1781. In addition to what I then wrote I would Just Say that I cannott find any Resolutions of Congress requiring it, that if New Hampshire gives Notes for the Sums due, and the Line of other States should have their settlement made here the Consequence will probably be that N. H. must Redeem her own obligations given for this purpose, and that those which are Settled here will be paid out of Some public Funds of which N. H. must Contribute her part. I cannott Say this will be the Case but to me it appears probable. I am Sensible that New Hamp'e can bring this into the account against the United States, but from present appearances I am Inclined to think a very Considerable Period of time will Elapse before those Settlements are made—I am aware that some settlements have been already made in the State with Officers etc. but perhaps the proportion when Compared with those which are Unsettled, is small. I would not wish this to the Injury of the N. H. Line, but it appears by Lt. Blanchard's representation, that it would be much more agreeable to them to have the settlement made here as they could then have their Subsistence Money Settled at the same time.³

576. JOHN TAYLOR GILMAN TO JOSIAH BARTLETT.¹

PHILADA. Augst. 5th, 1782.

Dear Sir,

The Letter which you did me the favour to write on the 5th Ultimo I receiv'd on the 22d. what will be done Respect'g Vermont affairs I cannot Say. I Suppose under present Circumstances it would not be possible to have anything determined in Congress Respecting them. I am well informed that one Reason given (in private by some Gentlemen from the Southward) why they would not make them a Seperate State is because it would be adding One more to the Votes of the Eastern States, which they Say they will not do untill they can add one to the Southern

² He had been speaking in particular of Jay's letter of Apr. 28. See no. 572, *ante*, no. 578, *post*.

³ See no. 557, *ante*, and nos. 576, 659, *post*.

[576]¹ Dartmouth College Lib., Bartlett Corr., vol. II., 1779-1790.

likewise. I need not Comment on this. I am Sensible while the Vermont business Remains undetermined N. H. will be in an Unhappy Situation. I am Informed by the New York Delegates that their State has lately (in Consequence of Repeated Application) granted a Number of Commissions to people in the County of Cumberland which I think Joins on the River. a Member of Congress from New Engld. with whom I am Intimately acquainted, this day Shew me Copy of a letter which he was going to Send to a Gentn. of high Rank in the State to which he belonged and in answer to One he had Recd. Urging that Vermont might be made a Seperate State, in which he Says, "I am fully Convinced of the Justice and policy of making them a Seperate State, but it is as likely that Great Britain will Cede Scotland to the United States as that the present Congress will make Vermont an Independent State."² I wish N. H. may not be again Duped in this affair. I Enclose you a list of officers etc. by which you will See how great a Number of Officers some States have, who have but few privates,³ and yet in some Instances those States who have so few men have (not long Since) made a large number of Officers to fill up Vacancies. There is now a Resolution of Congress against Issuing new Commissions.⁴ please to keep the Inclosed list in some measure Secret (I do not mean from the Comm'te) but would not wish to have it made too public. It is Evident that our Minister at the Court of Madrid has Recd. dishonourable and Fallacious Treatment from that Court. Congress have this affair now under Consideration what will be done I cannott Say but when I consider the Conduct of that Court and the Terms heretofore assented to on our part as the Basis of Treaty I Really wish a Treaty with them may not take place, but from some Information (later than Mr. Jay's tho not Official) it is probable they have altered their Conduct and perhaps have before this Concluded a Treaty. It seems to be agreed that Spain has decided Intentions of obtaining Gibraltar and that they wish the present War may Continue. The Subject of former Instructions to our Commiss's Respecting a Treaty of peace etc. will I imagine be taken up in a few Days. It is Important but what can be done where so much has been undone I cannot Say.⁵

In my letter to you of the 9th Ultimo I wrote something Respecting Loan Office Certificates. this business is in the Same Situation it was when I then wrote you. I will Venture to Say to you one thing, which is if N. H. does not adopt a System of Policy for her Self she will probably be left in the Rear. I am Sorry to Say that it is my Opinion their is not a probability of the accounts between the Several States being adjusted for a long time.⁶ I find it is very Expensive living here, beef has been frequently sold for 16d. per pound, butter at 3/. Though these articles are much higher than things in general Yet almost Every article

² This New England delegate has not been identified. With regard to the Vermont question see nos. 508, 509, 514, *ante*, 578, 598, 628, *post*.

³ This tabulated list of officers, by states and separate corps, showing their pay, emoluments, etc., accompanies Gilman's letter.

⁴ See the *Journals*, July 11; *cf. ibid.*, Apr. 23, Aug. 7, and nos. 585, 586, 618, *post*.

⁵ See no. 572, *ante*, and nos. 582, 583, 585, 593, 597, 599, *post*.

⁶ *Cf.* no. 650, *post*.

is Dear. I Shall want some money by the first of September but know not how I am to be furnished, if you will Inform me I Shall be thereby obliged. Their is Eleven States now Represented in Congress and would be 12 but one of the Delegates of Maryland went home a few Days ago. it is Expected he will Return Immediately.⁷ Thus have I almost filled up my paper and I am afraid you will think unprofitably. I Should be glad to give you more of facts and less of Opinions, but for want of the one I adopt the Other. I Shall be glad to hear from you frequently

P. S. as I write you freely, if you find any part of this or any other of my Letters which ought to be kept Secret you will undoubtedly keep it as Such.

577. JOHN WITHERSPOON, "PART OF A SPEECH IN CONGRESS ON THE FINANCES."¹

[August 5, 1782?]²

Mr. President,

I have little to say against the resolutions, as they stand reported by the superintendant of finance. Perhaps they are unavoidable in the circumstances to which we are reduced. Yet the step seems to be so very important, and the consequences of it so much to be dreaded, that I must intreat the patience of the house, till I state the danger in a few words, and examine whether any thing can possibly be added to it, which may in some degree prevent the evils which we apprehend, or at least exculpate Congress, and convince the public that it is the effect of absolute necessity.

Sir, if we enter into these resolves as they stand, it will be a deliberate deviation from an express and absolute stipulation, and therefore it will, as it was expressed by an honourable gentleman the other day, give the last stab to public credit. It will be in vain, in future, to ask the public to believe any promise we shall make, even when the most clear and explicit grounds of confidence are produced. Perhaps it will be said that public credit is already gone; and it hath been said that there is no more in this, than in neglecting to pay the interest of the loan-office certificates of later date; but though there were no other differences between them, this being another and fresher instance of the same, will have an additional evil influence upon public credit. But in fact, there is something more in

⁷ Turbutt Wright left early in July (he is last recorded as voting June 27), and he returned Aug. 19. See no. 525, *ante*.

[577]¹ *Works of John Witherspoon* (Edinburgh, 1815), IX. 125; V. L. Collins, *President Witherspoon*, II. 29 (extract).

² Witherspoon appears to be addressing himself to the resolutions respecting payment of interest on loan-office certificates, found in the *Journals* under Aug. 5; therefore it seems probable that the speech was made on that or an approximate date. For the antecedent history of the measure see no. 565, *ante*; see also no. 579, *post*. It is scarcely probable that Witherspoon would have made such a speech in connection with the resolutions offered June 26, of which he was himself the author. From Thomson's account of the alarm which took place among the holders of loan-office certificates immediately after the proposition of June 26 it would appear probable that Witherspoon's attitude toward the measure underwent some alteration. Another speech, very similar in character, has been conjecturally placed at Sept. 9 (no. 609, *post*).

it than in the other. The solemn stipulation of Congress, specifying the manner in which the interest was to be paid, was considered as an additional security, and gave a value to these certificates, which the others never had.³ I beg that no gentleman may think that I hold it a light matter to withhold the interest from the other lenders; they will be convinced, I hope, of the contrary before I have done; but I have made the comparison merely to shew what will be the influence of this measure upon the public mind, and therefore upon the credit and estimation of Congress.

Now it is plain, that the particular promise of giving bills upon Europe, as it had an effect, and was intended to have it in procuring credit, it must, when broken or withdrawn, operate in the most powerful manner to our prejudice. I will give an example of this, in our melancholy past experience. The old continental money was disgraced and sunk, first by the act of March 18th, 1780, (which the Duke de Vergennes justly called an act of bankruptcy,) telling you would pay no more of your debt than sixpence in the pound. This was afterwards further improved by new estimates of depreciation, of seventy-five and one hundred and fifty, for new state paper, which itself was sunk to two or three for one; and yet bad as these men's cases were, the disgrace arising from them was more than doubled, by people's referring to, and repeating a public declaration of Congress, in which we complained of the injurious slanders of those that said we would suffer the money to sink in the hands of the holders, and making the most solemn protestations, that ultimately the money should be redeemed dollar for dollar; and to my knowledge, some trusting to that very declaration, sold their estates at what they thought a high price, and brought themselves to utter ruin.

I cannot help requesting Congress to attend to the state of those persons who held the loan-office certificates which drew interest on France; they are all, without exception, the firmest and safest friends to the cause of America; they were in general the most firm, and active, and generous friends. Many of them advanced large sums of hard money, to assist you in carrying on the war in Canada. None of them at all put away even the loan-office certificates on speculation, but either from a generous intention of serving the public, or from an entire confidence in the public credit. There is one circumstance which ought to be attended to, *viz.* the promise of interest-bills⁴ on Europe were not made till the 10th of September, 1777. It was said a day or two ago, that those who sent in cash a little before March 1st, 1778, had by the depreciated state of the money, received almost their principal; but this makes but a small part of the money, for there were but six months for the people to put in the money, after the promise was made; only the most apparent justice obliged Congress to extend the privilege to those who had put in their money before. Besides, nothing can be more unequal and injurious than reckoning the money by the depreciation either before or after the 1st of March, 1778, for a great part of the money in all the Loan offices was such as had been paid up in its nominal value, in consequence of the Tender laws.

³ See the *Journals*, Apr. 18, June 4, 1780.

⁴ See *ibid.*, Aug. 3, Sept. 5, 1780.

This points you, Sir, to another class of people, from whom money was taken, *viz.* widows and orphans, corporations and public bodies. How many guardians were actually led, or indeed were obliged, to put their depreciated and depreciating money into the funds—I speak from good knowledge. The trustees of the college of New Jersey, in June, 1777, directed a committee of theirs to put all the money that should be paid up to them, in the loan-office, so that they have now nearly invested all. Some put in before March, 1778, and a greater part subsequent to that date. Now it must be known to every body, that since the payment of the interest bills gave a value to these early loans, many have continued their interest in them, and rested in a manner wholly on them for support. Had they entertained the slightest suspicion that they would be cut off, they would have sold them for something, and applied themselves to other means of subsistence; but as the case now stands, you are reducing not an inconsiderable number of your very best friends to absolute beggary. During the whole period, and through the whole system of continental money, your friends have suffered alone—the disaffected and lukewarm have always evaded the burden—have in many instances turned the sufferings of the country to their own account—have triumphed over the whigs—and if the whole shall be crowned with this last stroke, it seems but reasonable that they should treat us with insult and derision. And what faith do you expect the public creditors should place in your promise of ever paying them at all? What reason, after what is past, have they to dread that you will divert the fund which is now mentioned as a distant source of payment? If a future Congress should do this, it would not be one whit worse than what has been already done.

I wish, Sir, this house would weigh a little, the public consequences that will immediately follow this resolution. The grief, disappointment and sufferings of your best friends, has been already mentioned—then prepare yourselves to hear from your enemies the most insulting abuse. You will be accused of the most oppressive tyranny, and the grossest fraud. If it be possible to poison the minds of the public, by making this body ridiculous or contemptible, they will have the fairest opportunity of doing so, that ever was put in their hands. But I must return to our plundered, long ruined friends; we cannot say to what their rage and disappointment may bring them; we know that nothing on earth is so deeply resentful, as despised or rejected love—whether they may proceed to any violent or disorderly measures, it is impossible to know. We have an old proverb, That the eyes will break through stone walls, and for my own part, I should very much dread the furious and violent efforts of despair. Would to God, that the independence of America was once established by a treaty of peace in Europe; for we know that in all great and fierce political contention, the effect of power and circumstances is very great; and that if the tide has run long with great violence one way, if it does not fully reach its purpose, and is by any means brought to a stand, it is apt to take a direction, and return with the same or greater violence than it advanced. Must this be risked at a crisis when the people

begin to be fatigued with the war, to feel the heavy expence of it, by paying taxes; and when the enemy, convinced of their folly in their former severities, are doing every thing they can to ingratiate themselves with the public at large. But though our friends should not be induced to take violent and seditious measures all at once, I am almost certain it will produce a particular hatred and contempt of Congress, the representative body of the union, and still a greater hatred of the individuals who compose the body at this time. One thing will undoubtedly happen; that it will greatly abate the respect which is due from the public to this body, and therefore weaken their authority in all other parts of their proceedings.

I beg leave to say, Sir, that in all probability, it will lay the foundation for other greater and more scandalous steps of the same kind. You will say what greater can there be? Look back a little to your history. The first and great deliberate breach of public faith, was the act of March 18th, 1780, reducing the money to forty for one, which was declaring you would pay your debt at sixpence in the pound—But did it not turn? No, by and by it was set in this state and others at seventy-five, and finally set one hundred and fifty for one, in new paper, in state paper, which in six months, rose to four for one. Now, Sir, what will be the case with these certificates? Before this proposal was known, their fixed price was about half a crown for a dollar of the estimated depreciated value; when this resolution is fairly fixed, they will immediately fall in value, perhaps to a shilling the dollar, probably less. Multitudes of people in despair, and absolute necessity, will sell them for next to nothing, and when the holders come at last to apply for their money, I think it highly probable, you will give them a scale of depreciation, and tell them, they cost so little that it would be an injury to the public to pay the full value. And in truth, Sir, supposing you finally to pay the full value of the certificates to the holders, the original and most meritorious proprietors will in many, perhaps in most cases, lose the whole.

It will be very proper to consider what effect this will have upon foreign nations; certainly it will set us in a most contemptible light. We are just beginning to appear among the powers of the earth, and it may be said of national, as of private characters, they soon begin to form, and when disadvantageous ideas are formed, they are not easily altered or destroyed. In the very instance before us, many of these certificates are possessed by the subjects of foreign princes, and indeed are in foreign parts. We must not think that other sovereigns will suffer their subjects to be plundered in so wanton and extravagant a manner. You have on your files, letters from the Count de Vergennes, on the subject of your former depreciation; in which he tells you, that whatever liberty you take with your own subjects, you must not think of treating the subjects of France in the same way;⁵ and it is not impossible that you may hear upon this subject, what you little expect, when the terms of peace are to be settled. I do not in the least doubt that it may be demanded that you

⁵ See Vergennes to John Adams June 20, 1780, to Franklin June 30, and to Adams again June 30 (*Wharton, Rev. Dipl. Corr.*, III. 805, 827, 828); also these *Letters*, vol. V., pp. 476, 478, 490, 497, 509.

should pay to the full of its nominal value, all the money as well as loan-office certificates, which shall be found in the hands of the subjects of France, Spain or Holland, and it would be perfectly just. I have mentioned France, etc. but it is not only not impossible, but highly probable, that by accident or danger, or both, many of these loan-office certificates may be in the hands of English subjects. Do you think they will not demand payment? Do you think they will make any difference between their being before or after March 1st, 1778? And will you present them with a scale of depreciation? Remember the affair of the Canada bills, in the last peace between England and France—I wish we could take example from our enemies. How many fine dissertations have we upon the merit of national truth and honour in Great Britain. Can we think without blushing, upon our contrary conduct in the matter of finance? By their punctuality in fulfilling their engagements as to interest, they have been able to support a load of debt altogether enormous. Be pleased to observe, Sir, that they are not wholly without experience of depreciation: navy debentures and sailors' tickets have been frequently sold at an half, and sometimes even at a third of their value; by that means they seem to be held by that class of men called by us speculators. Did that government ever think of presenting the holders of them, when they came to be paid, with a scale of depreciation? The very idea of it would knock the whole system of public credit to pieces.

But the importance of this matter will be felt before the end of the war. We are at this time earnestly soliciting foreign loans. With what face can we expect to have credit in foreign parts, and in future loans, after we have so notoriously broken every engagement which we have hitherto made? A disposition to pay, and visible probable means of payment, are absolutely necessary to credit; and where that is once established, it is not difficult to borrow. If it may be a mean of turning the attention of Congress to this subject, I beg of them to observe, that if they could but lay down a foundation of credit, they would get money enough to borrow in this country, where we are. There is property enough here; and, comparatively speaking, there is a great number of persons here who would prefer money at interest to purchasing and holding real estates. The ideas of all old country people are high in favour of real estate. Though the interest of money, even upon the very best security there, is from four to four and a half, four and three quarters, and five per centum; yet when any real estate is to be sold, there will be ten purchasers where one only can obtain it, and it will cost so much as not to bring more than two, two and a half, and at most three per centum.

It is quite otherwise in this country, and indeed it ought to be otherwise. To purchase an estate in the cultivated parts of the country, except what a man possesses himself, will not be near so profitable as the interest of money; and in many cases where it is rented out, it is so wasted and worn by the tenant, that it would be a greater profit at the end of seven years, that the land had been left to itself, to bear woods and bushes that should rot upon the ground, without any rent at all. Any body also may see, that it is almost universal in this country, when a man dies leaving infant

children, that the executors sell all his property to turn it into money, and put it in securities for easy and equal division.

All these things, Mr. President, proceed upon certain and indubitable principles, which never fail of their effect. Therefore, you have only to make your payments as soon, as regular, and as profitable as other borrowers, and you will get all the money you want; and by a small advantage over others, it will be poured in upon you, so that you shall not need to go to the lenders, for they will come to you.

578. JAMES MADISON TO EDMUND RANDOLPH.¹

PHL'A Aug: 5th, 1782.

Dear Sir,

[Franks has arrived] with [a long letter from Jay]² being a [sequel of] the [insulting] de[lays disappointments] and [tergi]ver[sations which form] the [history of] his [mission.] To make our [mortificati]on [complete he] was [finally suffered] to [protest t]he [bills] of Congress [tho' t]he [amount did] not [exceed twenty] five thousand [sterg.] The [blame of this seemed] justly to [fall] in [part on France] who probably meant to make that [display of her importance] to the [U. S.] This circumstance with some other [passages] in [Jays letter] which cannot be here recited, were [fresh leaven to] the an[tigallic ferment] and [revived the motion] lately mentioned to you. It [was again susp]end[ed by an adjournment] but will be [renewed and pressed] to a [decision.] From the [present temper] of [congress] I infer that the [decision] if not [reversible] of the [power given to France] in the [negotiation of peace] will [denote such] a degree of [discontent and distrust as] will greatly [impair the confidence] on the [side of our ally] and may [if discovered inspire] the [enemy with new hopes] from a [protraction of the war.] It is very probable that this [affair will] eventually be [adjusted on] some [middle ground.] The [venom against France] will not be [assuaged] with[out some] such [expedient.]

We are still without official information both from Mr. Adams, relative to the negotiations with the States General, and from Doc'r Franklin relative to advances made by the British Ct. at Versailles towards a general negotiation. That such advances have been made may be inferred not only from private reports, but from repeated paragraphs in European papers. Whether they be sincere or insidious may be another question.

Augst. 6th. A letter of the 14th of May has come to hand from Mr. [Jay]³ in which he says that he is [called to Paris by Doctor Franklin.] This [call can only be in his] capacity of [minister for peace] and in consequence of a [prospect if not commencement of negotiations.] He says nothing on the subject himself, but refers to [intelligence] which he

[578]¹ Library of Congress, Madison Papers, Ac. 1081.

² See no. 572, *ante*. Bracketed words in this paragraph are written in the "Lovell" cipher; in the addition of Aug. 6 the "official" cipher is used.

³ Jay's letter is in Wharton, *Rev. Dipl. Corr.*, V. 417.

takes for granted would previously [arrive] from [Paris.] He congratulates Mr. [Livingston on the acknowledgement] of our [independence] by the [United Provinces.] This is the first official evidence of that event.

The Committee as a member of which you prepared a certain report was yesterday [augmented to five and filled up.] ⁴ The present composition [of it promises a speedy and favorable report.] The [middle states are] rendered apparently very [ductile] by [their fears] of a [coalition between the eastern and southern in a change] of [the instructions for peace.]

Mr. [Montgomery] has given [notice to Congress] of his [intention to call for the report] on the [case of Vermont and to] lay before them such [information as he has acquired.] ⁵

You will be able to distinguish the paragraphs in which each cypher is used without my specification of them.

579. CHARLES THOMSON, NOTES OF DEBATES.¹

[August 5, 6, 1782.]

Monday, August 5th.

The superintendent of finances sent in a long letter which was read, stating the necessity and advantage of borrowing money towards the current expences of the war; the impossibility of doing this or establishing public credit without solid funds for the payment of the interest of the money already borrowed as well as of what may be wanted in future, pointing out three funds in addition to the 5 per cent on imports and prizes, 1 a tax of a dollar per 100 acres on all land; 2 a poll tax of a dollar per head on all males, paupers and soldiers excepted, above [16] and under [60]; 3 an excise on spirituous liquors, which with the impost duty he estimates may amount to 2 millions of Dollars. He then obviates the objection that may be raised against granting these funds, warns Congress against placing any immediate dependence on back lands, and concludes with an estimate of the debt already contracted and an earnest exhortation to come to some speedy decision.²

Another letter from the superintendent was read enclosing estimates of the supplies wanted for the year 1783, amounting to eleven millions of Dollars, *viz*—

For the War Department	8,106,648.10
For the Marine Department	2,500,000.00
Civil List	181,214.38
Contingencies	212,137.42
	<hr/>
	11,000,000.00

⁴ See no. 599, note 2, *post*.

⁵ Cf. no. 598, *post*; see also no. 576, *ante*.

[579]¹ N. Y. Hist. Soc., *Collections: Revolutionary Papers*, I. 83.

² The letter of the superintendent of finance, dated July 29, is in the *Journals*, Aug. 5. See nos. 569, 577, *ante*, no. 606, *post*.

Out of these estimates by proper arrangements which he hopes will take place he apprehends there may be a saving to the amount of two millions; and therefore he proposes only to call for 9 millions, and if the funds pointed out in the foregoing Letter be granted or others equally productive he proposes that of this 9 millions four should be borrowed and five raised by taxes within the year. He states the necessity of attending to the navy and presses an early decision on these matters.

These two letters with the papers enclosed were referred to a grand Com'tt appointed on the 22 July.³ Some private business was then dispatched after which

Mr. Bland moved—"That the instructions given on the 15 June 1781 to the Com'tt for negotiating a treaty of peace be reconsidered and committed. This was seconded by *Mr. Jackson*, but as the day was too far spent it was agreed that the discussion of the subject should be deferred till next day and an adjournment was called for and agreed to.⁴

August 6.

The delegates for Pennsylvania yesterday informed Congress that the commander of the French fleet, which was now off the Capes of Delaware, had sent up a message that if the ships in the harbor were ready to put to sea he would afford them a convoy from the Coast; that the merchants and the State desirous of improving this opportunity were willing to make an attempt on Bermuda if the French admiral could send with them some frigates, and therefore they moved that a Com'tt might be appointed to confer with the minister of France on the subject. This was refused but it was intimated to the Secretary for Foreign Affairs that he should confer with the minister and report. In consequence of this the Secretary for Foreign Affairs this morning reported "that he had conferred with the minister of France on the expediency and practicability of making an attempt on the island of Bermuda—that he had related to him what he had learned with respect to the present strength of the island and the security the possession of it would give to our commerce and that of France, and desired to know whether the Marquis De Vaudreuil had any orders that would prevent his undertaking this expedition or any object with which it would interfere.

That the minister replied that the operations of the fleet or the propriety of detaching any part of it must in some measure depend on the motions of the enemy—that he did not know that the marquis had any orders that would interfere with the plan mentioned—that he knew he had several objects advantageous to the United States, the execution of which he would concert with General Washington. The minister wished that this plan might be concerted with him, that if it should appear more advantageous than others which the Marquis had in contemplation he might

³ Morris's letter transmitting the estimates for 1783, dated July 30, is in Wharton, *Rev. Dipl. Corr.*, V. 636. See also an extract from his Diary, *ibid.*, p. 638.

⁴ See the *Journals*, Aug. 5; cf. the motions of Lee and Jackson July 24, Root and Lee Aug. 8, Madison and Witherspoon Aug. 8, and those of Witherspoon and Madison June 17, Rutledge Aug. 2, and Lowell Aug. 2. See also Thomson's Notes, Aug. 2, 3, 7, 8, 15, 16, 20, and no. 572, *ante*, nos. 585, 588, 593, 597, *post*.

take measures to carry it into effect. He observed farther that as this conquest would be on account of the U. S. it would be necessary to furnish it with an American garrison.

That he (the Secy. for Foreign Affairs) desired to know whether troops might not be spared from those on board the fleet to perform this service for the U. S. in case they should find it inconvenient to send a part of their own army.

That the minister replied that the whole land force in the fleet was too inconsiderable to admit of a reduction, that they were designated to act as marines and for the security of the fleet in case they took a post to refit, that he concluded with wishing that the desire of Congress on this subject should be referred to the general, who upon conferring with the Marquis de Vaudreuil would be best able to judge of the expediency.

This report being read, *Mr. Bland* moved that the conference with the minister of France reported by the Secretary for Foreign Affairs be referred to the Commander in chief to take order if he thinks the measure alluded to expedient and not interfering with other operations of greater importance that have been concerted or may be effected.

This brought on a debate.

Mr. Lee was against referring it in the first instance to the Gen'l; it was one of those cases mentioned in the treaty which required a previous Convention to settle the compensation. If it was undertaken without such a convention the French might conquer it for themselves or demand such a compensation that could not be granted. That the General could not settle the compensation, because it must be in money and the General had no right to appropriate money.

Mr. Duane was against referring the report to the General because it would hold up the object in too strong a point of view. When the matter was first introduced it was only mentioned as an object that might be adopted in case the fleet was going off the coast, either on their return to Europe or the West Indies. In this light he would have no objection against referring it to the General. That if the fleets staid any time on the coast there were other objects of far greater importance, such as the attack of N. York. He was therefore for committing it that it might be represented in the light in which it was first introduced. *Mr. Jackson* was of the same opinion, thought there were several other objects which required greater attention, mentioned—an attempt on Halifax or the reduction of Penobscot. He was for committing.

Mr. Rutledge thought that the motion was well guarded. He had no objection against accompanying the reference with a letter to explain the views of Congress, but was against committing.

Mr. Clark was against committing and against referring unless the words "to take order" were expunged and the words "to report" were inserted.

Several others spoke on the occasion. At length the question for commitment was put and passed in the negative.

On the question for referring it to the Com'r in chief, the yeas and nays being required by Mr. Clark—

New Hampshire,	Mr. Gilman,	No.	{ ×
Massachusetts,	Mr. Osgood,	No.	} No.
	Mr. Jackson,	No.	
Rhode Island,	Mr. Cornell,	No.	} No.
	Mr. Howell,	No.	
Connecticut,	Mr. Root,	No.	} No.
	Mr. Huntington,	No.	
	Mr. Dyer,	No.	
New York,	Mr. Duane,	No.	} Divided.
	Mr. Scott,	Ay.	
New Jersey,	Mr. Clark,	No.	} No.
	Mr. Condict,	No.	
	Mr. Witherspoon,	No.	
Pennsylvania,	Mr. Montgomery,	Ay.	} Ay.
	Mr. Smith,	Ay.	
	Mr. Clymer,	Ay.	
	Mr. Wynkoop,	Ay.	
Delaware,	Mr. McKean,	Ay.	} Ay.
	Mr. Wharton,	Ay.	
Maryland,	Mr. Hanson,	Ay.	{ ×
Virginia,	Mr. Madison,	Ay.	} Ay.
	Mr. Bland,	Ay.	
	Mr. Lee,	No.	
N. Carolina,	Mr. Williamson,	No.	} No.
	Mr. Blount,	No.	
S. Carolina,	Mr. Rutledge,	Ay.	} Divided.
	Mr. Ramsay,	Ay.	
	Mr. Izard,	No.	
	Mr. Middleton,	No.	
Georgia,	Mr. Telfair,	No.	} No.
	Mr. Jones,	No.	
	Mr. Few,	No.	

So it passed in the negative.⁵

The Committee consisting of Mr. Rutledge, Mr. Duane, Mr. Madison, Mr. Osgood and Mr. Montgomery appointed “to revise and consider the

⁵ See the motion of the Pennsylvania delegates, in the *Journals*, Aug. 5. The proceedings Aug. 6 are not recorded in the *Journals*. Cf. no. 331, *ante*.

instructions from Congress to Mr. Jay and to report if any and what alterations or additions should be made therein" reported the following resolution:

"That the minister plenipotentiary at the court of Spain be instructed in case any propositions be made to him by the said Court for a treaty with the U. S. to decline acceding to the same until he shall have transmitted them to Congress for their approbation; unless the treaty proposed be of such a tenor as to render his accession thereto necessary to the fulfilment of the stipulation on the part of the U. S. contained in the separate and secret article of their treaty with his most Christian majesty, in which case he is to conclude such a treaty on the first requisition of his Catholic majesty.

"That Mr. Jay be at liberty to leave Spain and go into any other part of Europe whenever the state of his health may require it."

This report being called for and read,

Mr. Lee moved that the latter part of the first resolution, "unless the treaty etc." to the end, be struck out. He observed that Congress were not bound by that secret article, as Spain had refused or declined to accede. That she had no right to the indulgence mentioned.

Mr. Montgomery called for the secret article, which was read, and in which a power is reserved to Spain of acceding to the treaties of commerce and alliance with France at any time she may think proper.

Mr. Lee said any time meant a reasonable time, that reasonable time had been allowed and she has absolutely refused and therefore Congress is no longer bound.

Mr. Jones seconded his motion.

Mr. Montgomery was of a different opinion. The terms of the secret article were express that Spain should have liberty to accede when she thought proper. That she was to judge of the time and that the U. S. were bound to admit her accession.

Mr. Izard called for a letter of Mr. Jay wherein he mentioned that the Count de Florida Blanca declared that the court of Spain would not agree that the treaties between them and his M. Christian Majesty and the U. S. should be the foundation of a treaty between the U. S. and Spain.

This letter not being at hand,

Mr. Duane arose and observed that we had nothing to do with Spain. The secret article was made with France. She on account of the strict connection between her and Spain stipulated and reserved this privilege to Spain. We have solemnly agreed to it and pledged our faith to France to receive her accession and facilitate the means to it whenever she thinks it a proper time. Can any thing Spain has yet done justify our violating our faith to France? Because Spain has offended shall we break with France and so soon violate the first treaty made with us?

Mr. Ramsay is against the amendment; had rather America should lose its existence than its faith and honor.

Mr. Madison is also against the amendment; grants that there is some weight in the observation of his colleague with regard to the time of Spain's accession. That the design of France was to engage Spain to

enter into the present war and guarantee the independence of the U. S. agst. G. B. Should she decline acceding until the conclusion of the war she ought not to be entitled to the benefit of the alliance or the future guarantee of the U. S. for her American possessions. He was not for striking out the paragraph or for limiting the time without the consent and concurrence of France.

Mr. Root spoke on the same side.

Mr. Bland thinks a treaty with Spain of no advantage to the U. S. If she wants a treaty let her sue for it and let Congress judge of the terms.

Mr. Lee. Gentlemen had mistaken his meaning. He did not mean to violate the engagements entered into by the secret article; no man could be more averse to such a measure than he. He only meant that we should not shew too great a desire to enter into an alliance with Spain, which would be the case if the paragraph stood. Spoke of the interested views of Spain.

Mr. Witherspoon observed that some gentlemen had under rated the services of Spain. She had done much. She had entered into the war with the common enemy. We had derived as much advantage from her exertions as if she had agreed to the treaty of alliance, for in that case she would have had a right to prosecute the war in such way as she thought proper and might have undertaken the siege of Gibraltar etc and would have been justified in so doing. Besides this she had aided us with money, opened her ports and admitted us to trade to Havannah. He is for retaining the clause; it gives a dignity to the report and will place our conduct in the fairest point of view. We are not perfectly satisfied with the reception our minister has received; we will not tease Spain with solicitation; but we will leave her to judge of the time and when she thinks it proper we will be ready to comply with our engagements.

Mr. Rutledge. Concurs in sentiments with those who think we are bound by the secret article, and therefore will be against the present amendment but reserves the liberty of moving as he shall move to strike out the words "in which case" to the end, because it goes too far as he will show at a proper time.

Mr. Clark, before he gives an opinion on the amendment wants to know the meaning of the report; apprehends it is only calculated to repeal the instruction given respecting the navigation of the Mississippi; if that is the design he is for speaking out plainly. However he will be against the present amendment.

Question put, shall the words stand, 10 states in the affirmative, Georgia against it.

Mr. Rutledge then moved and was seconded by *Mr. McKean* to strike out the words "in which case" etc. to the end. He observed by the secret article that a right was reserved to Spain not only to accede to the treaties of amity and commerce and of alliance at any time she thinks proper, but also to propose one analogous to them founded on the principles of equality, reciprocity and friendship, that in either case we were bound to admit her and in the latter had promised to endeavour in good faith an adjustment of the points in which the King of Spain may propose any alteration.

That this latter case supposed and necessarily required deliberation and discussion and therefore that part of the instructions was improper. The words were accordingly struck out and the resolution with the amendment passed N. C. D.⁶

580. DAVID HOWELL TO MOSES BROWN.¹

PHILADA. 6 Augt. 1782.

Sir,

. . . .² I pray you to mention me to my friends and to communicate to as many as you may see fit the Substance of this Letter. You may also inform them that I am fully of opinion that few if any States in the Union will comply with the late revenue recommendations of Congress. Several States have had them under consideration, Some have partially complied. Their acts I propose to send to the State as soon as they may come to hand, to the end that you may not be imposed upon in regard to the doings of other States as you was last year. Notwithstanding the promptness and boasting of Pennsylvania it will appear that our State has contributed more to the cause than they have in every point of view—in money, men, loan[s and] Specifics—and another fact will also app[ear], that State, in the first Stages of the war, when m[oney] was of value recd. more out of the Treasury th[an] any other, (I trust) in the Union. With wh[at] ill grace then have they set themselves to villify oth[ers].

. . . .

581. THE VIRGINIA DELEGATES TO THE GOVERNOR OF VIRGINIA
(BENJAMIN HARRISON).¹

PHILADELPHIA Augt. 6th, 1782.

Sir,

We received the Letter your Excellency did us the honor to write the 27th ult.²

The Committee to whom your Excellency's letter, touching the garrisons of York and Gloucester was referrd, being pressd by us for their report, informd Congress, that they waited for some arrangements, which the Secretary at war was making on that subject, in order to compleat their report. These we understand to be, the dissmision of those garrisons, as soon as the french Stores are removd; which they state as the reason for Count Rochambau's having desired to have them established. We shall attend to the interest of the State when the Report appears.³

All possible enquiry shall be made respecting Mr. Linctot.⁴

⁶ See the *Journals*, Aug. 2, 6, 7, and nos. 572, 578, *ante*, 585, 587, *post*.

[580]¹ R. I. Hist. Soc., Moses Brown Papers.

² In an omitted passage Howell speaks of the probable movement toward a general peace.

[581]¹ Copied from the original, then in the possession of Mr. Stan. V. Henkels of Philadelphia.

² The governor's letter is in *Official Letters*, III. 281.

³ See nos. 561, 570, *ante*, 589, *post*.

⁴ Maj. Geoffrey Linctot, an ally of George Rogers Clark. See *Wisconsin Hist. Colls.*, XI. 105, XVIII. 212, and *passim*; also *Illinois Hist. Colls.*, VIII. (*George Rogers Clark Papers*), *passim*.

Tho no official accounts have been receivd of the evacuation of Savannah, yet it is not doubted; and it is expected that of Charles-town will soon follow. Advices from Europe make it probable, that a negociation for a general Peace has commended; but on what terms, or with what probability of succeeding we are yet to learn.

We expected instructions from the general Assembly, on the Fishery, *the admission of Vermont into the union*, the western cession and the navigation of the Mississippi. But we have not receivd any.

We have the honor to be with the most perfect respect

Yr. Excellency's most Obedt. and most Humb'e Servts.

A. LEE

J. MADISON JR.

P. S. Upon enquiry we find that Mr. Morgan ⁵ was the only continental Agent for Indian Affairs; and that the Officers here know nothing of Mr. Linctot.

THEO'K BLAND except [?] that part marked with a dash underneath having already voted on that Question.⁶

A LEE.

582. ARTHUR LEE TO SAMUEL ADAMS.¹

PHILADELPHIA Augt. 6th, 1782.

Dear friend,

As I was in Virginia when Mr. Lowell arrivd here, it was some time before I receivd your favor by him. It gives me a good deal of concern that we are so soon to lose that Gentleman, his integrity and abilities rendering him an ornament to Congress.

Every thing from England seems to announce a real disposition to peace. But it is very surprising that by six or seven opportunities from France, we have not receivd a line from our minister. Not even by Major Frankes who came as a special Messenger. And what is yet more astonishing, we have not a word from Mr. Adams relative to the late important proceedings in Holland. I am apprehensive, his Dispatches were sent thro France; and were stopt there. This profound silence on subjects so interesting together with the perilous and humiliating situation we are in touching the Negociation for Peace, I own alarm me. I am very much inclin'd to think that France will be for protracting the war, or for turning the chief advantages of it to herself and to Spain. Mr. Jay's last Letter ² suggests strong suspicions of that Court, and we have put ourselves shamefully and entirely in her power as to the conditions of Peace.

⁵ Col. George Morgan, chosen agent for Indian affairs in the Middle department Apr. 10, 1776.

⁶ The underscored phrase is *the admission of Vermont into the union*. The letter bears the governor's endorsement, "to be laid before Ass."

[582]¹ N. Y. Pub. Lib., Samuel Adams Papers.

² Jay's letter of May 14. See no. 578, *ante*.

Spain appears to have been acting a part as silly as it is selfish; and to be covering the weakness of her Councils, by the insincerity of her conduct. Some spirited measures will be taken respecting that Court: merely because bravado in one instance, is some consolation for servility in another. For our interests seem out of the question in that quarter, She being no ways desirous of treating with us.

I am of a Committee appointed to inspect the department of Mr. Morris. Mr. Duane is the Chairman.³ Such a choice seemd to point out that Congress did not mean the inspection should be productive of public good. Nor have I any reason to think it will. All the Monies of the U. S. ought to go into the Treasury and be issued from thence, the Treasurer being a chosen and sworn Officer and giving security for his fidelity. Mr. Morris has began to deviate from this line by putting half the Monies of the Public into the hands of his quondam Clerk, where he may not only have a more certain use of them for his private purposes, but be coverd in every thing he does. Shoud this manouvre pass muster, the whole will soon go into the same channel, and the Institution and checks of a treasury be rendered entirely useless. I am apprehensive that it will not only pass uncorrected, but receive the collateral approbation of an allowance to this Swanwick for his services. The accumulation of Offices in this man, the number of valuable appointments in his gift, the absolute controul given him over all the Revenue officers, his money, and his art; render him a most dangerous man to the Liberty of this Country, as his excessive avarice does to the Treasure of the public so much in his power. Our funds in France are in hands equally rapacious and less responsible. This ravenous spirit prompted Dr. F. to do what amounted to an absolute robbery. It is this. Col. Laurens had obtained a million and a half of livres from the french Court, to bring over hither for the support of our credit. It was deposited in Specie at Amsterdam and by the order of Col. Laurens to be brought by Major Jackson in the *S. Carolina*. When Col.

³ The committee was appointed July 2, pursuant to a resolve of June 17, but several changes of personnel were made: one on Nov. 21, another Dec. 19, and another Apr. 23, 1783. The following extract from the Diary of Robert Morris, dated Aug. 29, gives some indication of the activity of the committee:

"Mr. Duane, Arthur Lee, Abraham Clark, and Samuel Osgood, a committee of inquiry, came this morning and proceeded in their business. They desired me to make out an account of all the moneys that have come into my hands and those which I have paid. They asked the reasons for employing Mr. Swanwick, and proceeded in other parts of their inquiry until the hour for going to Congress arrived. They inquired into the reasons for appointing receivers of continental taxes in each State, and Mr. Clark expressed doubts of my authority to make those appointments. I therefore produced the acts of Congress of the 3d of November, 1781, which satisfied him on that point. I informed the committee that my reasons for making new appointments, in preference to employing the loan officers, were, first, the loan officers have not settled their accounts with the United States, and some of them have long accounts depending; secondly, although some of them may be fit, all are not; thirdly, had the money paid by the States, for the current expenses of the year, been put into the hands of the loan officers, the people entitled to the interest on loan-office certificates, issued by these gentlemen, would have been very clamorous for payment. They would not have entered into or admitted the distinction of moneys granted for revenue or for current expenses of the year." Wharton, *Rev. Dipl. Corr.*, V. 676.

See also Morris to Washington, Aug. 29, 30, Sept. 9 (*ibid.*, V. 676, 679, 714), Morris to Congress Sept. 9 (*ibid.*, p. 714), and the *Journals*, Sept. 10, 14. Although not named in Morris's memorandum above, McKean was also a member of the committee. See no. 583, *post*.

L. h[ad] saild, Dr. F. by threats and orders prevails on Majr. Jackson to give up the money, and has it remitte[d] to him at a loss to the U. S. of 19500 livres, beside[s] the disappointment and embarrassment of our Finances here. This Transaction will I ha[ve] no doubt pass also unpunishd and uncensurd.

Your friends in Virginia were well when I left them, and remember you with affection. My respects to Mrs. Adams and remembrances to Genl. Ward and all our friends.

583. THOMAS MCKEAN TO SAMUEL ADAMS.¹

Dear Sir,

. . . . The subject you mention in your favor of the 19th September last is now likely to be taken into full consideration, I mean an American Navy.² It is very much the conversation out of doors, and appears to be popular. The great losses lately sustained by the merchants from the too numerous captures by the enemy, engages the whole mercantile interest in the measure; in short, every thing seems not only to invite but to demand an immediate attempt to establish one. Money alone appears to be wanting to make a beginning: The acknowledgement of our Independence by the Dutch affords a dawn of hope respecting that matter. There is a large Committee appointed to devise ways for the re-establishment of national credit, and for the procuring money on Loan, of which I am a member. If we can obtain an undisputed title to the Western lands, that belonged to the Crown of Great Britain, and have been conquered by the blood and treasure of the United States, as a fund to borrow upon; and can by a land and poll tax, or otherwise, obtain sufficient sums for the payment of the interest until one year after a peace, or until these lands can be sold for the purpose of discharging the principal, I am not without hopes of getting as much money in the United Provinces of the Netherlands and amongst ourselves, as would answer our present purposes and build a dozen ships of war such as the *Carolina*; which construction would render the British frigates in a great degree useless in this country from the inferiority in strength, and be the cheapest with respect to both men and money. The Superintendent of Finance is very well inclined to these proceedings and will contribute all in his power to their furtherance.³

. . . . Congress is at present composed of virtuous men, and were it not for some diversity of opinions respecting the Fisheries and Western Lands there would be more harmony in that Body than I have heretofore observed. This will be an important year. May God direct and over-rule all our Councils to the establishment of an honorable and lasting peace, and to the happiness of the good people of the United States in particular and of mankind in general.

[583]¹ N. Y. Pub. Lib., Samuel Adams Papers (addressed to Adams "at Boston favoured by the Hono'ble Mr. Lowell"); Hist. Soc. of Pa., McKean Papers, II, 74 (draft, dated Aug. 5).

² Adams's letter is in *Writings*, IV, 262.

³ See no. 582, *ante*.

My expressions respecting the Spaniards etc. would have been more guarded, but that this will go by Mr. Lowell, and will therefore get safe to hand. . . .

PHILADELPHIA, August 6th 1782.

584. JESSE ROOT TO THE GOVERNOR OF CONNECTICUT
(JONATHAN TRUMBULL).¹

PHILA. August 7th, 1782.²

Sir,

We have recd. no information respecting the negociation for peace, said to be carrying on in Paris, but through the channel of British papers. Great tumults have taken place in New York among the Tory and refugees in consequence of the advices from England and the measures taken by Sir Guy Carlton in respect to them.

The garrison from Savanna have arrived at New York; unfortunately for us they had not been intercepted by the French fleet, which they very narrowly escaped. Some additional instructions relative to the terms of peace are preparing by Congress to be sent to our ministers in Europe.

. . . .

585. CHARLES THOMSON, NOTES OF DEBATES.¹

[August 7-9, 1782.]

Wednesday, August 7th.

Mr. Rutledge moved for an addition to the instructions which passed yesterday which was agreed to and the instructions as amended and finally agreed to are as follows:

"Resolved, That the minister plenipotentiary at the Court of Spain be instructed to forbear making any overtures to that court or entering into any stipulations in consequence of overtures which he has made, and in case any propositions be made to him by the said Court for a treaty with the U. S. to decline acceding to the same until he shall have transmitted them to Congress for their approbation; unless the treaty proposed be of such a tenor as to render his accession thereto necessary to the fulfilment of the stipulation on the part of the U. S. contained in the separate and secret article of their treaty with his most Christian majesty.

"That Mr. Jay be at liberty to leave Spain and to go into any other part of Europe when ever the state of his health may require it."²

[584]¹ Mass. Hist. Soc., *Collections*, seventh ser., III. 373.

² The Massachusetts delegates, Samuel Osgood and Jonathan Jackson, wrote to Governor Hancock Aug. 7 that they had that day had an interview with the minister of France at his request, relative to two Frenchmen charged with disorderly conduct in Massachusetts and haled before the judicial authority of the state. The French consul and the commodore in the harbor of Boston had called in question the right of the Massachusetts tribunal to exercise authority in the case; but the minister "is in Opinion that neither the Consul nor the Commodore have any Right to interfere in this Matter, and he appears to be well satisfied with the Proceedings hitherto made, by the Authority of Massachusetts against those Frenchmen". Mass. Arch., CCIV. 226.

[585]¹ N. Y. Hist. Soc., *Collections: Revolutionary Papers*, I. 92.

² Cf. nos. 572, 576, 579, *ante*, 586, 587, *post*.

The Com'tt for retrenching the expenditures of the United States in the several departments having reported a plan for arranging the army, in which it was proposed the troops of each state should be formed into complete battalions of not less than 500 rank and file by draughting the junior into the senior regiments, that no more officers be retained than what were necessary to command the regiments and that the supernumerary officers should retire on half pay until called into service or be employed in the staff department. When the paragraph respecting the retiring officers was under debate,

Mr. Montgomery thought if the officers were liable to be called into service they ought to be allowed their full pay, as they could not enter into business or make solid arrangements for their future support and subsistence.

Mr. Clark thought that the burthen of the half pay should be thrown upon the states which were deficient in their number of men and prepared an amendment to that purpose. The amendment appearing in the light of a substitute was not admitted whereupon he moved and was seconded by *Mr. Root* to strike out the whole paragraph.

Mr. Root was of opinion that according to the Articles of Confederation Congress ought to fix the number of troops necessary, assign to the States their respective quotas and call upon them to furnish those quotas, and that each State would be obliged to furnish its troops with the proper number of officers or would be answerable for the deficiency.

Mr. Dyer. Of all the evils attending this war that of the half pay was never foreseen or thought of by the States. Having spoken for some time against a half pay establishment, he then undertook to obviate *Mr. Montgomery's* objections and to shew that it was just and reasonable and what no officer could complain of to allow men whose services were not wanted to retire on half pay until called again into service; but when the war was over all half pay should cease. On the question the paragraph was confirmed by eight States and the arrangement was agreed to by the votes of nine States.³

August 8th.

After the house had passed a vote for reinforcing the garrison at Fort Pitt with 300 militia from Pennsylvania and Virginia and decided on a report respecting two Canadians.⁴

Mr. Lee arose and reminded the house that there was a business before them of the greatest importance; that the interest, the honor and the safety of these States were so much concerned that he could not be easy nor stand justified to himself or his constituents until he had done everything in his power to bring it to determination. He therefore moved

"That the instructions given on the 15 June 1781 to the ministers plenipotentiary for negotiating a peace be reconsidered." This was seconded by *Mr. Bland* and some other members. But *Mr. Root* rising

³ With regard to the committee on reducing expenditures see no. 550, note 4, *ante*; cf. no. 618, *post*.

⁴ The Canadians were Joseph Traversie and Dominique l'Eglise. See the *Journals*.

and expressing a desire that the motion might be expressed in such terms as to avoid all debates concerning the effects of a reconsideration, he moved "That a Com'tt be appointed to revise and consider the instructions given to our ministers for negotiating a peace with Great Britain, and report what alterations ought to be made therein."

Mr. Lee said he wished only for a fair discussion of the subject and to avoid every difficulty and debate arising from forms and therefore withdrew his motion and seconded that of *Mr. Root*.

Mr. Rutledge is resolved to adhere strictly to the principles of the alliance with France, and to shew her all the respect and confidence which one nation would shew to another. He had full confidence in her magnanimity, but is doubtful whether Congress had power to surrender themselves into her hands. The case is delicate; he does not wish to give an opinion; he may upon mature deliberation. The Com'tt think it proper not to alter the instruction. It deserves consideration. He is therefore for appointing a Committee; if upon the most mature deliberation the Com'tt shall be of opinion that any alterations should be made they will report what they think proper; if they are of a contrary opinion they will say nothing about them. He found by looking over the journals that instructions had been given respecting a treaty of commerce and that afterwards these were withdrawn and repealed and nothing farther done on the subject. He thought the Com'tt to be appointed should be instructed to take this matter into consideration and report what was proper to be done.

Mr. Williamson said he had listened with the greatest attention to the arguments offered. He had examined the instructions given. He did not think them of so dangerous a nature as was represented. The independence of the States and the principles of the alliance and treaty of commerce were fully secured. These were made ultimate, and not to be given up on any account. The matters in which the ministers were ultimately to be governed by the opinion of France were only what respected disputed boundaries, the fisheries and other matters which might come into discussion at the treaty.

Mr. Rutledge. The boundaries were everything; what are the States? They must have boundaries. Is France to say what those boundaries shall be and must we submit?

Mr. Lee differs in opinion with the gentleman from North Carolina. It is not sufficient that the independence of these States is secured. But he doubts whether even that is secured by the instructions. He is afraid of the accompaniment. That we shall be so circumscribed in our boundaries that our independence will be a nugatory independence. France in making a treaty will be governed by her own interest and from her long and close connection with Spain and prefer it to ours. Is it wise, is it proper to give a nation the absolute disposal of our affairs that is under the influence of two interests which she is bound to consult in preference to that of these States? This unlimited confidence will render us despicable in the eyes of France and make her less attentive to our rights. We have been informed by a minister of France that Spain has large claims on the lands beyond the mountains. Her conduct shews that she means to

support her claim to that Country. She wishes to confine us to the lands lying below the heads of the waters falling into the Atlantic. We are told that she thinks she has a right to possess herself of all to the westward. And shall we submit it to France, her old friend and ally, whether her claims shall be confirmed and we be excluded from the possession of that Country? Besides the power and instructions we have given will be dangerous to France and render her suspected by the other nations of Europe. Her language to the other powers of Europe has been that she entered into the war to support our independence; that we were left at liberty to grant the same indulgence and privileges to other nations that were granted to her. What will the other nations of Europe think when at the treaty of peace they find her entrusted with the whole, the absolute disposal of our affairs? Will they not become jealous? Will they not think she has deceived or means to deceive them? The instructions are also dangerous to the United States. It is essentially giving up the independence of these States and becoming dependents on the minister of France. For notwithstanding what is said in the former part of the instructions respecting independence and adherence to the principles of the treaties, as the clause comes afterwards by which our ministers are bound to govern themselves ultimately by the advice and opinion of France he is strong in the opinion and thinks he will be warranted by the rules of construction and the judgment of all men that this supersedes the former: and shall this be suffered to come in doubt? He is for binding the minister to pay the utmost respect and place the utmost confidence in France, to take no steps without consulting her. Thus everything will be done that can and ought to be done. Can any friend of France desire more? Can any gentleman in this house wish to continue to her a power that will be ruinous to our independence, dangerous to herself, expose us to the contempt and scorn of all the nations of Europe, and bring upon both her and us their jealousy and perhaps their resentment?

Mr. Madison grants that the instructions given are a sacrifice of national dignity. But it was a sacrifice of dignity to policy. The situation of affairs and circumstances at the time rendered this sacrifice necessary. Nothing essential is given up, nor did it render our situation less precarious than it was before; nay he was persuaded that this mark of confidence gave an additional security to our interests as the Court of France must be sensible that the odium of unequal or hard conditions will now rest wholly on her. At least he was sure that the instructions given did not weaken that security. Our interests are as safe in her hands now as they were before or as if the ministers were left wholly to their discretion. Our ministers may still, notwithstanding the instructions given, state and assert our claims and contend with the utmost earnestness for our rights, and it is only in the last extremity when all their pleas, all their reasoning and all their most earnest endeavours prove ineffectual that they are ultimately to govern themselves by the advice and opinion of the Court of France; and must not this have been the case if the instructions had never been given? France has voluntarily bound herself by the treaties she has entered into with us to secure and guarantee our independence and

sovereignty absolute and unlimited as well in matters of government as commerce. What indication has she given of any alteration of sentiment or conduct towards us? It is her interest as well as policy to secure the affections of the people of these States and forever separate us from G. Britain. She can never think us formidable to her while we continue absolutely independent, nor will she ever object to our enlarging our boundaries or increasing our commerce and naval power unless we give her reason to suspect a want of confidence in her and a disposition to reunite ourselves with her ancient enemy. In that case interest and policy will both unite and induce her to keep us as weak as possible. Whether withdrawing our confidence at this critical moment will not give just grounds of suspicion and jealousy he leaves gentlemen to determine. There was a passage in Mr. Jay's letter lately read which made a strong impression on him; he did not know whether it made the same on others. He meant that passage which mentioned the fears and suspicions occasioned by the late change in the British administration, lest the men now in office who had always professed themselves friends to America and had in such severe terms condemned the war might influence the councils and conduct of the Americans. The withdrawing the instructions given on the 15th June, 1781, added to what has passed with regard to Spain, will increase that jealousy.

Let us consider how it will operate on Great Britain. Tired with the war and disappointed in all her attempts to separate us from France, there is reason to think there are serious thoughts of peace, but flushed with her late success and flattered with the hopes of rising dissensions and jealousies between us and the other belligerent, will she not be encouraged to prosecute the war with new vigour and try by redoubled efforts to reduce us to her power?

But it is said our dignity is stained, and that we must revoke the instructions in order to wipe off that stain and restore its lustre. But will this do? Will it repair our loss of dignity in the eyes of the nations of Europe to convince them we are a people unstable in our councils and measures, governed wholly by circumstances, *abject and profuse* of promises when in distress and difficulties, but who veer about on a change of circumstances and on whose promises and professions no reliance can be placed? In a word, continued he, I am persuaded that a change in the instructions will not add to our security. I am persuaded that it will give umbrage to our ally, and by a seeming act of ingratitude or of diffidence awaken her suspicions and jealousies, and abate her zeal in our favour. I am persuaded that the umbrage and jealousy which this measure will excite will be prejudicial to us and will give encouragement to our enemy to prosecute the war. I am persuaded it is now too late to alter, and that withdrawing our confidence will not cure the wound given to our national dignity. For all these reasons I shall be against touching the instructions given. But if any member thinks that anything farther can be done to secure to the United States the several objects claimed by them, I shall have no objections to that, it being well understood that no encroachment is to be made on the instructions given, but they are to remain in their full force.

I shall therefore move that the motion before the house be postponed, and if that is carried I shall then move—

That a Com'tt be appointed to take into consideration and report to Congress the most advisable means of securing to the United States the several objects claimed by them and not included in their ultimatum for peace of the 15th day of June 1781.

I now move that the consideration of the motion before the house be postponed.

Mr. Witherspoon seconded the motion. Said that if he had been agst. the instructions at the time they passed, he would now from circumstances be against altering them. But he would remind gentlemen that the passing the instructions of the 15 June 1781, against which exceptions were now taken, was only the least of two evils which Congress were reduced to a choice of. A difference in sentiment had arisen between the Count de Vergennes and Mr. Adams respecting the use the latter thought he ought to make of the discretionary powers with wch he was intrusted. This dispute was maintained by Mr. Adams with a pertinacity that gave just offence more especially as it must be allowed and Congress were sensible he was wrong. Besides this Mr. Adams entered into another dispute with Count de Vergennes on a subject which had no immediate connection with his mission. These disputes had given such offence that Congress were under the necessity either of recalling him or passing the instructions. They chose the latter as the least injurious to their national dignity. He was satisfied at the time and is still satisfied that it did not lessen our security. The Court of France by her treaties with us was bound only to maintain our independence absolute and unlimited as well in matters of government as commerce. These being secured she had a right to judge whether she would continue the war for other objects claimed by us, in the same manner as we had to judge whether we would continue the war on her account for objects not contained in the treaty. Our ministers were not restrained from urging everything they thought proper to obtain what we wished or desired. They could contend to the last and if obliged to submit they could enter their protest. Could they have done more if left quite at liberty? Congress adopted the only thing in their power to secure the rights of all the States. They added more members to Mr. Adams and those from different parts of the continent. This removed every suspicion or fear that the interest of one part would be sacrificed to secure that of another. He then touched upon the jealousy which a change in our instructions wd excite, the opinion that would be formed of our instability and possibly of our ambition. G. B. had taken great pains to impress the Courts in Europe with an opinion that we aim at conquest. France had even imbibed some suspicion of that sort and therefore her former minister had in a free conference with Congress urged the necessity of moderation. He concluded with observing that as the confidence placed in France was a mere compliment and not a giving up any real security, he should be against withdrawing it and should therefore vote for postponing.

Mr. Rutledge said it was true France was bound to maintain the independence of the States but he wanted to know what were the States. He

did not enter into the war for himself or for those inhabiting the lands on the waters falling into the Atlantic, but for posterity; for those who would hereafter inhabit the country beyond the mountains to the extent formerly claimed by the crown of Great Britain as belonging to these thirteen States. He would continue the war forever rather than be circumscribed in narrower bounds. He should therefore be against postponing.

The question being put passed in the affirmative.

Mr. Madison then proposed his resolution and was seconded by *Mr. Witherspoon*.

Mr. Rutledge resumed the debate; he was against the motion as explained. It is absolutely to ascertain our boundaries and define our other claims. He understood that the minister of France in a conference with the Com'tt who brought in the instructions of June 1780 [1781] had pressed them to fix the claims of the U. S. They ought to have done it; as they did not then do it it ought to be done now. They had no business to suppose we had disputed boundaries. There were other matters that might come on the carpet in a negotiation for peace. We had withdrawn the instructions and powers formerly given respecting a treaty of commerce with G. B.; we should say something on that matter.

He therefore would propose to postpone the present motion and if that was carried he would move—

That a Com'tt be appointed to revise the instructions to the ministers plenipotentiary of the U. S. for negotiating and concluding a treaty of peace with G. B. and to consider and report if any and what instructions should be given to them respecting such treaty and for negotiating a treaty of commerce with G. B. The motion for postponing being seconded by *Mr. Dyer*,

Mr. Witherspoon seemed to admit that the minister had desired the Com'tt to fix their boundaries; that it could not be done so as to make it an ultimatum to the satisfaction of all the States. He observed that the happiness of the people on this side of the Alleghany Mountains was a sufficient object to induce them to enter into the war; that some of the States had their boundaries fixed and determined; that the State he had the honor to represent was one of them; that it had not entered into the war nor would it he believed be willing to continue it for the sake of boundless claims of wild uncultivated country; more especially as it was a matter of dispute and will undoubtedly occasion much contention among the States to whom that country if ceded will of right belong that what relates to a treaty of commerce will come within the objects of the present motion; he is therefore against postponing it.

Mr. Jackson wished to have an exposition of our rights made out and laid before the King of France, and that he should be informed nothing less will satisfy the people of this Country.

Mr. Telfair. For his part he thinks it no matter who gives up our rights if they must be given up, whether the King of France or our ministers; he is for fixing our boundaries to the Mississippi. As to our claims beyond that to the South Sea he would leave them to discretion. Something more was said but rather in the way of conversation.

The question for postponing being put passed in the negative. On the question for agreeing to Mr. Madison's motion, the yeas and nays being required by Mr. Telfair—⁵

The Com'tt was appointed consisting of Mr. Madison, Mr. Rutledge, Mr. Witherspoon, Mr. Jackson and Mr. Duane.

Friday, Augst. 9.

This day a letter was recd. from Genl. Washington enclosing a copy of a letter to him from Guy Carleton and R. Digby dated New York, August 2, and in which they acquaint him "that negotiations for a general peace have already commenced at Paris and that Mr. Grenville is invested with full powers to treat with all the parties at war and is now at Paris in the execution of his commission", that the ministers of G. B. are commanded "to direct Mr. Grenville that the independency of the thirteen provinces should be proposed by him in the first instance instead of making it a condition of a general treaty, however not without the highest confidence that the loyalists shall be restored to their possessions or a full compensation made them for what ever confiscations may have taken place," that Mr. Laurens has been enlarged and discharged from all engagements without any condition whatever, after which he declared of his own accord that he considered Lord Cornwallis as freed from the parole. "Upon this point they desire his excellency's sentiments or those of Congress." That transports have been prepared in England for conveying all the American prisoners to this Country to be exchanged here, "that they are directed to urge the most speedy exchange." They conclude with renewing the proposition that all exchanges of men of the same description being exchanged sailor and soldier be exchanged man for man against each other, with this condition annexed, that our sailors shall be at liberty to serve the moment they are exchanged and that the soldiers so received by them shall not serve in or against the thirteen provinces for one year. Advice being received at the same time that this letter as soon as written was communicated to the inhabitants of N. York and printed in hand bills and Congress having received no advices from their ministers abroad of what was passing in Europe, it was judged proper to refer the letter to a Com'tt that they might consider and report what was proper to be done. The Com'tt Mr. Lee, Mr. Witherspoon and Mr. Rutledge.⁶

The remainder of the day was spent in reading the proceedings of a general Court Martial on the trial of Major Genl. McDougall.⁷

⁵ The yeas and nays, being recorded in the *Journals*, are here omitted. With regard to these proceedings cf. the *Journals*, Aug. 8, and nos. 572, 579, *ante*, 593, 597, *post*.

⁶ These proceedings are not recorded in the *Journals*. The reading of Washington's letter and the appointment of the committee are however mentioned in an editorial foot-note (p. 460 n.). A letter from John Taylor Gilman to President Weare, dated Aug. 8, says, "By Letters from his Excellency Genl. Washington receiv'd yesterday, are informed", etc. (Mass. Hist. Soc., C 81 B 85). Gilman's letter is probably erroneously dated. See also Madison to Randolph Aug. 9 (*Writings*, I. 223), the letter of the Virginia delegates Aug. 9 (*Cal. Va. State Papers*, III. 263), and that of the Connecticut delegates Aug. 10 (passage omitted from no. 586, *post*). The letter of Carleton and Digby, Aug. 2, is in Washington's *Writings* (ed. Sparks), VIII. 540. The committee's report is in the *Journals*, Aug. 12. See nos. 556, 566, *ante*, 588, 590, *post*.

⁷ The court-martial of McDougall is not mentioned in the *Journals* Aug. 9. See however the *Journals*, Aug. 15.

586. THE CONNECTICUT DELEGATES TO THE GOVERNOR OF CONNECTICUT (JONATHAN TRUMBULL).¹

PHILADELPHIA, August 10th, 1782.

Sir,

. . . . Congress have passed a resolution reducing the army, a copy of which is inclosed. The agents for Pennsylvania and Connecticut have agreed on the judges to determine the controversy between the two States: they are as follows (*viz*) Genl. Whipple of New Hampshire, Genl. Green of Rhod Island, Cheif Justice Brearly and Mr. Huston of the Jersies, Mr. Griffin and Mr. Jones of Virginia, and Govr. Rutledge of South Carolina, any five to be a quorum.² The appointment of officers in the army from Connecticut was objected to, because some of them were said to be appointed in room of others who had retired, which wants explanation; but since the late regulation we doubt whether any new appointments will take place.

The memorial of the deranged officers in the Connecticut line for their half pay is postponed to the first Wednesday of Jany. next;³ every department is exceedingly distressed for want of money. The necessity of vigorous exertions by the State is every day more and more evident. . . .

587. DAVID HOWELL TO WILLIAM ELLERY.¹

PHILADELPHIA 10 Aug. 1782.

Sir,

. . . . Notwithstanding my endeavours to qualify myself with the notices requisite both as to form and substance, to enable me to fill, with propriety, my present place, I find myself very deficient. It is not an easy thing for a new member to take up the business of Congress and proceed in it with consistancy and propriety. . . .

I am informed that the Resolve concerning the German Prisoners is carrying into effect. The Ordinance for establishing a Supreme Court of Appeals in maritime causes has not had a 3d reading: nor is the vacant Seat in the Court filled as yet: my friendship to Mr. Marchant will lead me to serve him with pleasure as far as it shall be in my power.²

Not long since was read in Congress a Letter from Mr. Jay dated at Madrid. It contained upwards of 100 pages in Folio: being a journal of his proceedings from October 1781 to April 28 1782, including his negotiations with the Ministers at that Court—His Letters to Dr. Franklin,

[586]¹ Mass. Hist. Soc., *Collections*, seventh ser., III. 375 (signed by Dyer, Root, and Benjamin Huntington).

² See no. 568, *ante*, and the *Journals*, July 19, 25, 1782, Jan. 8, 1783. The resolutions for reducing the army were adopted Aug. 7.

³ See no. 601, *post*.

[587]¹ N. Y. Pub. Lib., Emmet Coll., no. 573.

² The vacancy had existed since the death of Titus Hosmer, Aug. 4, 1780. On Nov. 17 William Paca resigned, and the two vacancies were filled Dec. 5. See the *Journals*, Nov. 21, 22, Dec. 2, 5, 13, and Madison's Notes of Debates Nov. 7, Dec. 5, *ibid.*, XXIII. 844, 862; *cf.* no. 456, note 2, *ante*, and nos. 700, 708, *post*.

answers, etc. etc. On the whole of it might have been written in Capitals PROCRASTINATION.³ Nothing definitive is [to] be expected soon in that Quarter. So entirely do they neglect us that Mr. Jay has been under the necessity, notwithstanding encouragement from them at sundry times of pecuniary assistance, of protesting bills for the pitiful Sum of £20,000 Sterlg. But Dr. Franklin found means to satisfy the bills soon after through the bounty of our great, good and generous Ally.

By another Letter of May last, which is short, we are informed that Mr. Jay was going to Paris. What if Messieurs Adams and Laurens should join him and Dr. Franklin at Paris and be perhaps at this moment settling preliminaries for a general pacification? The British have undoubtedly made some advances. What is doing time will discover, "*Timeo Danaos et dona ferentes*". The objects of Negotiation are various—To divide intrest, To procure Allies, or for peace. The Britons wish for peace, but I fear they are not sufficiently humbl'd to accept of such terms as will be offered them. Should their terms have been concerted and approved of by the Empress, or any other northern Power, and be rejected by the Powers at war with them, tho' they fail of peace they may get allies and carry on this war with renewed vigour. God grant us an honorable peace, or none at all!

It gave me great pleasure to find that you *breakfasted with our illustrious General the friday morning after you left Philadelphia* not only on account of the mutual Satisfaction it must have afforded you both, but as it will tend to justify the attempts I made on a late occasion to remove an injurious aspersion thrown out against you in this regard. Your conduct Sir, must silence your enemies and put them to confusion; I am sorry to hear that either Judge Mowry should assert, or General Miller believe that you ever was concerned in such an infamous intrigue as you mention.⁴ As I have no evidence of its existence, but every reason to believe that had it existed, you would have detested entering into it, I cannot doubt but on a thorough investigation and detection of this affair, in which I wish you good speed, your character instead of being injured will receive an additional lustre. . . .

No official accounts have been received from the Hague further than the News Papers must have informed [you.] The Completion of treaties and the arrival of a Dutch Minister [ma]y be momentarily expected.

. . . .

588. CHARLES THOMSON, NOTES OF DEBATES.¹

[August 12, 1782.]

Monday, August 12.

The Con'tt on the letter from Carleton and Digby made a report, whereupon Congress, in order to obviate an opinion that was prevailing of their having received overtures for a peace, directed the letter to be published and resolved that they considered the letter as mere matter of information, inexplicit as to the nature and extent of the independence directed

³ See nos. 572, 578, *ante*.

⁴ See no. 627, *post*.

[588]¹ N. Y. Hist. Soc., *Collections: Revolutionary Papers*, I. 105.

to be proposed. That as they have received no information on this subject from their ministers for negotiating a peace, no public measure can or ought to be taken upon [it] in its present form. They recommended it to the several States not to remit of their exertions for carrying on the War with vigor as the only effectual means of securing a safe and honorable peace. And as the British Commanders had heretofore always refused to settle a cartel under pretence that it would be in fact an acknowledgement of our independency, they resolved to put the British Commander's sincerity to the test and therefore directed Genl. Washington to propose to them the appointment of Commissioners to settle forth-with a general cartel for the exchange of prisoners, take care that the liquidation of accounts and settlement of the balances due for the maintenance of prisoners be provided for therein. The Com'tt proposed and reported that the General should be directed to empower his Commissioners to release Cornwallis from his parole, in return for the indulgence granted to Mr. Laurens. But Mr. Rutledge, one of the Com'tt, inveighed against this with so much warmth and indignation that it was rejected with a loud and general *no* from every part of the house.²

Nothing was said on the proposition for exchanging soldiers for seamen, Congress deeming it inexpedient to touch upon that matter at present or to do anything that might serve as a pretext for refusing to settle a cartel; and apprehending, if a general cartel was established, provision might be made therein for the release of our seamen as well as for preventing the capture of unarmed citizens.³

589. THE VIRGINIA DELEGATES TO THE GOVERNOR OF VIRGINIA
(BENJAMIN HARRISON).¹

PHILADELPHIA Augt. 13th 1782.

S'r,

We have been honored with your Excellency's of the 1st Augt. 1782. We have taken the liberty of conversing with the Secy. at War on that part of your letter, concerning the Works at York Town. That Gentl. expressed his surprise at the misinformation, you must have received of his Conduct in the affair, and with a wish to undeceive you has favored us with a Copy of the instructions he gave concerning the Works together with a letter addressed to us on the Subject, both which, we have the honor of enclosing to your Excellency.²

² See the *Journals*; also no. 585, *ante*, and nos. 589, 590, *post*. The secretary at war, Benjamin Lincoln, wrote to Washington Aug. 14: "Since closing my public letter I have learned that the committee to whom your Exc'y letter was referred reported in favor of the discharge of Lord Cornwallis but it was violently opposed in Congress and among others by Governor Rutledge who was one of the Committee." Hist. Soc. of Pa., Dreer Coll., Generals, I. 59. See also no. 658, *post*.

³ See the committee report, also brought in this day, on Washington's letter of July 9; see also nos. 556, 566, *ante*, no. 590, *post*.

[589]¹ Va. State Lib., Executive Papers (signed by Madison, Bland, and Lee); *Cal. Va. State Papers*, III. 258.

² See nos. 561, 570, 581, *ante*. Harrison's letter is in *Official Letters*, III. 286; Lincoln's letter, Aug. 12, addressed to Colonel Bland, is in *Cal. Va. State Papers*, III. 260.

No Material event has taken place Since we had the Honor of writing to your Excell'y by Express, when we informd you of a letter received from S'r Guy Carleton and Admiral Digby, directed to Genl. Washington,³

Congress has orderd this letter to be publishd with their sense on its contents, which we hope to have the pleasure of transmitting to your Excell'y in the Paper we shall herewith enclose.

What may be the Issue of the negotiation for a Peace, which we have every reason to believe is now on the Tapis, we will not venture to predict. But we cannot help thinking that the Preliminary offer above mentiond, however it may be intended by England, will have a favorable effect on our affairs, as it seems to remove the Principal Barrier, which has hitherto prevented some of the powers of Europe from recognizing us as an Independent Nation, *viz* the Apprehension of giving Umbrage to England, by such an Interference, where by they wd have departed from their Neutral and Mediatorial Characters. . . . we doubt not of your Excellency's having receivd satisfactory accounts of the Evacuation of Savannah of which Congress receivd yesterday Authentic information.⁴

P. S. Since writing the above find that the Publication therein mention[ed], is not yet in the Paper but shall endeavor to procure a Copy of it.⁵

590. JAMES MADISON TO EDMUND RANDOLPH.¹

PHILADA. Aug: 13th, 1782.

Dear Sir,

. . . . I transmitted to you a few days ago by express the contents of a letter from Genl. Carlton and Admiral Digby to Genl. Washington, announcing the purpose of the British Court to acknowledge the independence of the 13 Provinces.²

The motion for revoking the [power given to France has been made again and pushed with the] expected [earnestness] but was [parried and will] issue, I [believe in] an [adoption of your report] with a representation thereupon to the [Court of France.]³

The Controversy between Connecticut and Pennsylvania is in a promising train for adjudication; the agents hav'g agreed on the commissioners to whom it is to be submitted.

³ See nos. 585, 588, *ante*.

⁴ Principally through a letter from General Greene, received Aug. 12. See the *Journals* (p. 464 n.) ; cf. no. 581, *ante*.

⁵ Aug. 14 James Duane transmitted to Governor Clinton "the interesting Intelligence in the publick papers lest you should loose a moment of the pleasure which ought to be diffused on the prospects opening to our View", and remarked: "The true point in which they are to be considered, is contained in the Act of Congress on the Letter from Sir Guy Carleton and Adm'l Digby, as we have no Intelligence from our Commissioners. It is daily expected and I shall not fail to transmit what may be in my power and without delay." *Clinton Papers*, VIII. 30.

[590]¹ Library of Congress, Madison Papers, Ac. 1081; *Writings*, I. 223; *Papers*, I. 158.

² Letter of Aug. 9 (*Writings*, I. 223). See no. 585, note 5, *ante*.

³ See no. 578, *ante*, and no. 599. *post*. Bracketed words were written in the official cipher.

Among other means of revenue the back lands have on several late occasions been referred to, and at length recommended by a Grand Committee to the Consideration of Congress. A motion for assigning a day to take up the report, was [negated by a small majority.] The report has been [repeated] by the [committee] but a second experiment has not been [made in Congress.] Several of the Middle [states seem to be facing about. Maryland] however preserves its wonted [jealousy and obstinacy.] ⁴

. . . .

591. JOHN RUTLEDGE TO HORATIO GATES.¹

[PHILADELPHIA, August 14, 1782.]

Dear General,

The resolution of Congress directing that an enquiry should be made into your conduct in the campaign of 1780, has this day been repealed by a vote of every state present (ten).² The evidence before the committee which gave such unanimity to the vote, came from men the most honorable and the most capable of judging. Gen. I. Huger, Gen. Stevens, Major T. Pinckney, and Col. Marion, etc.³

592. JOHN TAYLOR GILMAN TO THE PRESIDENT OF NEW HAMPSHIRE (MESHECH WEARE).¹

PHILADA. 15th Augst. 1782.

Sir,

In my Letter of the 8th Instt. I Mentioned that S'r Guy Carleton had Informed Genl. Washington that Adm'l Digby with himself were Appointed Commiss'rs for making peace, and that the Commission was received by a late Packett. It now Appears that, that Letter was Misunderstood, it was from this Expression that they had received Information as Commiss'rs for making peace etc.² our Prisoners are released from the Goals in England and Some of them have Arrived here, but have nothing Official from Europe respecting this matter.³ The Conversation of the Day is a General Peace, but I fear the Enemy Intend a Separate One, first with Holland and then with America, but they will be much disappointed if they Expect a Seperate peace with America. Hope a few Days will give further Information in this business.

The Enemy have Evacuated Savannah by which our Friends in that Quarter are much relieved.

Congress have passed Resolutions for Reducing the number of Officers in our Army. Suppose they are Transmitted you by the Secretary at War.

⁴ See no. 569, note 3, *ante*, nos. 593, 597, 606, *post*.

[591]¹ N. Y. Pub. Lib., Bancroft Coll., Revolutionary Papers, II. 405 (copy).

² See the *Journals*, Aug. 14. In the omitted portion of this letter Rutledge summarizes the evidence.

³ Brig.-Gen. Isaac Huger, Maj.-Gen. Edward Stevens (Virginia militia), Maj. Thomas Pinckney (aide-de-camp to General Gates), and Col. (brigadier-general of South Carolina militia) Francis Marion. The inquiry had been ordered Oct. 5, 1780. See Gates to Washington Aug. 17, *Letters to Washington* (ed. Sparks), III. 528.

[592]¹ Mass. Hist. Soc., C 81 B 87.

² See nos. 585, 589, 590, *ante*. Gilman transmitted with his letter the newspaper containing the letter of Carleton and Digby, etc.

³ Cf. nos. 596, 604, *post*.

593. CHARLES THOMSON, NOTES OF DEBATES.¹

[August 15, 16, 1782.]

Thursday, August 15th.

The Com'tt appointed on the 8th to take into consideration and report the most advisable means of securing to the United States the several objects claimed by them, and not included in their ultimatum for peace of 15 June, 1781, reported as their opinion:² . . .

Mr. Bland objected to the first part, he wanted to see what the Committee had prepared before he gave a vote for referring it to the Secretary for Foreign Affairs.

Mr. Jones had no objection against the papers going into the hands of the Secretary for Foreign Affairs, but he should be ordered to report thereon, and not to transmit anything to the Ministers, for negotiating a peace until it had received the approbation of Congress.

Mr. Madison said it was the design of the Com'tt that Congress should give no opinion or judgment in the matter. That the papers should go to our Ministers merely as information, not as instructions; that this would not be the case if Congress decided thereon, or even if the Secretary for Foreign Affairs laid before Congress what he proposed to transmit. For by the instruction of the office for foreign affairs papers going in that way from the Sec'y for Foreign Affairs to our Ministers abroad were to be considered as acts of Congress and binding on the ministers, whereas the letters and papers from him to them which were not submitted to the view or consideration of Congress were only to be regarded as mere private opinion and information, by which the conduct of the Ministers would be influenced no farther than their judgment directed.

*August 16th.*³

Mr. Montgomery, one of the Committee to whom was referred a report of a Com'tt on instructions to the Delegates of Massachusetts respecting the fisheries, informed the house that *Mr. Randolph*, who had been the Chairman of the Com'tt, had collected a number of facts and observations in support of the several Claims of the United States, not included in their ultimatum of the 15th June, 1781, that he had submitted them to the consideration of *Mr. Carroll* another member of the Committee; that *Mr. Carroll* had made sundry remarks and observations; that upon leaving Congress he had left *Mr. Randolph's* state of facts and observations with him the only remaining member and had requested him not to lay them before Congress until he returned and had an opportunity of finishing his remarks and stating his objections; that this was the reason why the Committee had delayed to report, but as the Committee which reported yesterday seemed to refer to *Mr. Randolph's* "facts and observations," and sundry members had expressed a desire to see them, he

[593]¹ N. Y. Hist. Soc., *Collections: Revolutionary Papers*, I. 106.

² The committee's report, which follows here, is in the *Journals*, Aug. 15; cf. nos. 572, 579, 585, *ante*, the entry under Aug. 16, below, and no. 597, *post*.

³ The *Journals* contain no record of proceedings Aug. 16 (see however *ibid.*, p. 481).

had therefore laid them on the table with a report. The report was read in the following words:

"The Com'tt to whom was referred the report on instructions to the Delegates of Massachusetts, report that they have collected facts and observations herewith reported to Congress, which they recommend to be referred to the Sec'y for Foreign Affairs to be by him digested, completed and transmitted to the Ministers Plenipotentiary for negotiating a peace for their information and use."

The facts and observations reported by the Com'tt were then called for and ordered to be read.⁴

When the Secretary had read to the end of the following clause,

"Thirdly, that if the vacant lands cannot be demanded upon the preceding grounds, that is upon the titles of individual States, they are to be deemed to have been the property of his Britannic Majesty immediately before the Revolution and to be now devolved upon the United States, collectively taken" (see the State of Facts and Observations, book A, p. 16, *ante*, p. 116)⁵ he was interrupted by *Mr. Bland*, who moved, and was seconded by *Mr. Lee*, that the clause be expunged. This brought on a long debate, in which many members spoke. The members of those States whose boundaries were fixed and determined supported the clause, those members whose States claimed territory to the Mississippi, or whose eastern boundary was undefined, opposed it. *Mr. Madison* observed that the clause was imported for the purpose of reconciling all the States to the report, that though he was satisfied there was no solid foundation in the argument, yet he saw plainly if the clause was struck out sundry States would object to the rest of the report and therefore he should be for its standing. But he thought it improper that any vote should be taken.

Mr. Bland insisted on a vote and called for the yeas and nays. Hereupon it was observed that the whole debate was out of order; that the report was reading for information not for debate; that the interruption and motion were improper and that no question could be taken until the whole was read through. To this it was answered that the objection should have been made sooner. To put an end to the debate an adjournment was called for and agreed to.⁶

594. JAMES DUANE TO PHILIP SCHUYLER.¹

PHILADELPHIA 16th August 1782.

Dear General,

. . . . You have been informed of a small provision made for Col. Ja. Livingston shortly after my arrival here. It is all I can at present procure for him.²

⁴ The "State of Facts and Observations" is embodied in the *Journals* under Aug. 20. See nos. 597, 599, *post*.

⁵ The reference, "*ante*, p. 116", is to the text in N. Y. Hist. Soc., *Collections: Rev. Papers*, I. In the text of the "State of Facts and Observations" as printed in the *Journals*, Aug. 20, the passage is found at p. 490. It is essentially repeated at p. 516.

⁶ See the entry under Aug. 15, above, and no. 597, *post*.

[594]¹ N. Y. Pub. Lib., Schuyler Papers, no. 564.

² See the *Journals*, Mar. 7, June 24; *cf. ibid.*, Aug. 7, 10, 1781, Mar. 8, 1785, and May 8, 1786.

I observe with pleasure the steps taken by our Legislature to aid the Finances and strengthen the general Government. They are spirited and wise. It was not till this day that they were officially communicated to Congress and they were immediately referred to a Grand Committee.³

...
 Alass poor Tryon County! What uncommon Scenes of Calamity has she sustained: and what Evils may she not yet apprehend! believe me, Sir, I am distressed for her beyond Expression. Is it impossible to protect the scatterd Remains of this once flourish'g district? I once hoped it was not. Congress on the first Intimation cheerfully supplied the new Levies with Cloathing and every thing promised by the original Stipulation; so that they are in all respects on an equal Footing with the Continental Battalions. They have also called for an Estimate of what will be necessary for the Oneidas and being resolvd to reward their Fidelity and encourage their Zeal and Exertions against the common Enemy. If any thing further can be done it ought not to be neglected. To support our Fellow Citizens in that exposd Frontier is a first Duty.⁴ . . .

595. THE SOUTH CAROLINA DELEGATES TO GEORGE WASHINGTON.¹

PHILADELPHIA August 17th 1782.

Sir,

We have received a Letter from Governor Mathews informing us, that Genl. Greene had Orders from your Excellency, in Case Charlestown should be evacuated, to put the Troops under his Command in Motion and join the main Army, and that the Council of South Carolina were unanimously of Opinion, with the Governor, that the withdrawing those Troops would be attended with great Danger to the State—therefore enjoining us, in the most positive Manner, to use our utmost Exertions, with Congress, and your Excellency, to obtain a Countermand of the Orders.

We think it proper to make the Application immediately to you, instead of moving the Matter in Congress, as the Measure proceeded wholly from your Excellency, and We are satisfied that your Attention extends, equally, to each of the united States.

The particular Condition of Carolina is so fully described in Governor Mathews's Letter, that We think it sufficient to transmit to your Excellency, (and therefore inclose) an Extract of such part of it, as relates to

³ There is no record of proceedings Aug. 16 in the *Journals*, but it is noted (p. 470 n.) that a letter from the governor of New York, dated Aug. 4 and transmitting resolutions of the New York legislature of July 21 and 22, "on the present situation of affairs, for augmenting the powers of Congress", was read in Congress Aug. 15 and referred to a grand committee; that the grand committee was discharged Apr. 28, 1783, and the business referred to a committee of five. Concerning these resolutions, which advocated the calling of a federal convention to deal with the question of enlarging the powers of the Confederation, see Bancroft, *Formation of the Constitution*, I. 37-39. Cf. nos. 615, 618, *post*.

⁴ See the *Journals*, Aug. 20, and no. 598, *post*. It would appear that this part of the letter was written not earlier than Aug. 20.

[595]¹ Library of Congress, Washington Papers (in the writing of John Rutledge and signed by Rutledge, Izard, Ramsay, Middleton, and Gervais).

this Subject, with one Remark, that the Militia are in general unarmed, and the State is unprovided with Artillery or Ammunition.

We are persuaded that the Governor's Reasons will induce your Excellency, either to revoke the orders sent to Genl. Greene, or to give him discretionary power to keep, or leave, such a Number of Troops, in that Country, as, in his Opinion may be requisite.

We request to be favoured with an Answer as soon as convenient, that We may communicate to Governor Mathews, by an opportunity which will quickly offer, the Result of our Sollicitation.²

596. THE NORTH CAROLINA DELEGATES TO THE GOVERNOR OF
NORTH CAROLINA (ALEXANDER MARTIN).¹

Extract.
Sir,

PHILADELPHIA, 19th August, 1783[1782.]

It is our duty to inform your Excellency that the sending our prisoners to America at this Juncture is not by any means a clear proof of benevolence, it may with equal probability be passed to the Acct. of cunning: for the enemy wish and expect to get regular Soldiers in exchange for those people, many of whom are neither Soldiers nor Sailors.² There is certainly a disposition in the present English Ministry to excite among the people of America some desire of a Separate peace. And we apprehend that nothing but vigorous and persevering exertions on our part to convince the enemy of our ability to continue the *leaden* argument will compel them to make those offers of peace seriously which 'tis probable they are now making insidiously.

597. CHARLES THOMSON, NOTES OF DEBATES.¹

[August 20, 1782.]

Tuesday, August 20th.

The State of Facts and Observations was called for and read through.²

And the report of the Com'tt being amended to read: That the facts and observations reported by the Com'tt be referred to the Secretary for Foreign Affairs to be by him digested completed and transmitted to the

² An extract of the letter from Governor John Mathews, in the writing of Rutledge, is in the Washington Papers under the conjectural date July. Washington replied to the delegates Sept. 2. On Sept. 1 he asked the secretary at war to take the sense of Congress upon the matter, which that official did Sept. 6 (*Journals*, p. 553 n.). The committee to which the matter was referred reported, Sept. 9, some resolutions drawn by Rutledge, in conformity to the wishes of the South Carolinians. Washington wrote to Greene concerning the matter Sept. 23 (*Writings*, ed. Ford, X. 84, ed. Sparks, VIII. 347). The letter to the secretary at war is in the same volumes, at pp. 73 and 340, respectively. See further no. 612, *post*, and the *Journals*, Oct. 11.

[596]¹ *N. C. State Recs.*, XVI. 863 (signed, "Hu. Williamson, Wm. Blount").

² Cf. no. 592, *ante*, and no. 604, *post*; see also the letter of the Virginia delegates Aug. [27], *Cal. Va. State Papers*, III. 283. A letter from the delegates Aug. 18 is in *N. C. State Recs.*, XVI. 398.

[597]¹ *N. Y. Hist. Soc., Collections: Revolutionary Papers*, I. 142.

² See no. 593, *ante*, nos. 599, 603, *post*, and the *Journals*, Aug. 20; cf. the *Journals*, Sept. 5, 6, 25, and nos. 611, 641, 658, 668, 675, *post*.

ministers plenipotentiary for negotiating a peace for their information and use. Motion was made by *Mr. Lee*, seconded by *Mr. Bland*, to amend it further by inserting, after the word committee, "except the following passage" ³ That if the vacant lands as before recited and except the following passage *viz.* "But if the vacant lands etc." to "the common labours of the United States" inclusive (see Facts and Observations).³

Mr. Lee supported the motion by observing, that the supposition was groundless and the reasoning upon it fallacious; that the claim to the western territory rested solely on the titles of individual states. That Congress had no authority but what it derived from the States. The States individually were sovereign and independent, and upon them alone devolved the rights of the Crown within their respective territories. Could the sovereignty of the Crown of G. B. devolve on the U. S. in Congress assembled, before such an assembly existed? What authority is there for that supposition; where is the sovereignty of the United States derived? Is it in the Confederation? Is it in the Treaty of Alliance? Does it really exist? Shall we put an argument in the mouths of our Ministers which they may use to their own advantage. It is well known that one of our Ministers is interested in the decision, having a Claim to some of the lands in question. That one of the Ministers of our Ally is likewise interested. If our Claim is supported solely on the titles of the States, they will be cut off from their intentions; if on the supposition that the rights of the Crown devolve on the United States collectively taken, their plea will be strengthened.

Mr. Witherspoon wished to have a question and the opinion of Congress without any further debate. The reasoning in the facts and observations went to this, that the Ministers in supporting our Claims to the Western territory, should first urge the titles of the several States. But if they failed in this they were then to urge the argument in the Clauses now excepted against. Whereas the spirit of the amendments was that if our Claims could not be supported on the former ground they were to be relinquished and given up.

Mr. Lee replied that the amendment was to take away an argument which our Ministers might use to their own advantage, an argument which was groundless and fallacious; he called upon any gentleman to shew what foundation there was for it. None had attempted this. The reason was because it was not in their power. The Ministers ought to rely on solid argument. This was to be found only in the titles of the States. If they were confined to these they would urge them with force, and he had no doubt they would prevail.

Mr. Witherspoon said if there was any doubt that our Ministers would be unfaithful, let them be changed. If *Mr. Franklin*, whom the gentleman alluded to, was interested, let him move for his recal, he would second him. The facts and observations, as they now stood, required that the

³ The passages in the "State of Facts and Observations" here referred to are found on pp. 490 and 516 of the *Journals*. The insertion proposed by Lee and Bland may perhaps be clarified if stated as follows: "except the following passage [*viz.*] '3 That if the vacant lands' (as before recited), and except the following passage [*viz.*] 'But if the vacant lands', etc. to 'the common labours of the United States' inclusive." See also no. 593, *ante*.

Ministers should in the first place urge the titles of the several States: if these prevailed the end was obtained, and the argument in question would not be brought forward. But if arguments drawn from old Charters, Charters granted at a time when the extent and limits of this country were without Charters and Titles interfering one with another whose limits were so extravagant that it was thought proper to curtail them in a former treaty, if arguments from this source should be found to have no weight with the mediating powers and other powers in Europe, and this he believed would be the case, would any Gentleman wish to preclude our ministers from using an argument which would have weight, an argument drawn from general security, the force of which had been admitted in former treaties, and would be admitted by every disinterested power of Europe. The several States were known to the powers of Europe only as one nation under the stile and title of the United States. This nation was known to be settled along the Coasts to a certain extent; if any European power was admitted to establish colonies or settlements behind them, what security could they have for the enjoyment of peace? What a source of future wars! Was not this the principal argument urged by G. B. against France at the breaking out of the last war? Whether the uncultivated wilderness on the frontiers should belong to one state or another was a matter of little concern to the European powers. The only argument that would weigh with them was whether it was necessary for the security of the United States that other nations should be excluded from that country, and particularly G. B., the enemy of these States. He should therefore be against the amendment.

Sundry other gentlemen spoke and the amendment being insisted on and notice given by *Mr. Bland* that he meant to call the yeas and nays, which would bring the whole of the facts and observations upon the journals, by which means Congress would be under the necessity either of resisting the whole or of amending and making them an act of Congress, so that they would go as instructions and not merely as information, which was the thing intended; a motion was therefore made that the report be committed. And the motion for commitment being seconded, and having by the rules of the house a preference, was put and carried in the affirmative.

The Com'tt chosen were Mr. Rutledge, Mr. Duane, Mr. Witherspoon, Mr. Howell and Mr. [Montgomery].⁴

598. JAMES DUANE TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

PHILADELPHIA, 20th August 1782.

Dear Sir,

Your Excellency's dispatches of the 5th Instant I had the honour to receive three days since; and have once more an occasion to express my

⁴ The personnel of the committee is recorded in the Committee Book. See the *Journals*, p. 534 n., also pp. 471, 523-524. No record has been found of a report made by this committee. Cf. Madison's Notes of Debates, Dec. 30, in the *Journals*, XXIII. 872. [598]¹ *Clinton Papers*, VIII. 33.

grateful sense of your kind attention to my personal Concerns. I can only lament that the Sum I am in advance for my support here, inconsiderable as it is in itself, is so necessary for the Accommodation of my Family, that the delay of a reimbursement leaves me in a situation little short of actual distress. . . .

Col. Hamilton's Talents qualify him eminently for a seat in Congress, and his Appointment is a strong proof of the discernment of the Legislature. I am doubly pleased with it, as it may facilitate the Accomplishment of my wishes to be once more united to my Family after a separation of more than seven years.

The Measures taken by our Legislature to aid the Finances, and strengthen the system of Continental Government, will do them the most permanent Honour. The Act, on the last Subject, is under the consideration of a grand Committee; and the dispatches for the States transmitted thro' their Delegates.

I hope, with your Excellency, for substantial benefits from Mr. Mont's (Montgomerie) present Sentiments, whenever Congress shall be prevailed on to resume the Vermont business:² but the critical state of our publick affairs strongly opposes the Determination we have a right to expect. It seems to be a general wish, that a decision should be suspended until we can form a Judgement of the Views of the present British ministry which are involved in no small obscurity. The first Intelligence from our own ministers will unravel them. The Act which the Vermont (people) have presumed to pass, must injure them in the opinion of their best Friends in Congress; tho' I fear it may fall with a heavy weight on the Towns which retain their Attachment to our State.

I feel most sensibly for our fellow Citizens in Tryon County. While the Enemy remain posted in Force at Oswego, we have nothing to expect short of total Desolation of the scattered remains of that once flourishing district. I do not trust myself with Reflections on this Subject which may be ill founded. I hope to enclose with these dispatches, an Act of Congress to give our new Corps the full benefit of the former Resolution in their favour. A report is made on the principles I wished and steps recommended for the more comfortable support of our faithful Indians.³

We daily expect Mr. L'hommedieu, when Mr. Scott will proceed homeward, his subsistence money being already expended. He will give your Excellency every Information in which I may be deficient. For the news of the day be pleased to be referred to Mr. Livingston. . . .

² See nos. 576, 578, *ante*, 614, 628, *post*.

³ Aug. 21 Duane wrote to Clinton: "I have now the pleasure to transmit the Act of Congress in favour of our new Levies and the Oneidas which this moment receivd the Sanction of Congress. The Destitute Condition of the Southern Army in the Article of Cloathing was an Obstacle which we happily surmounted" (N. Y. State Lib., Clinton Papers, no. 4725 A). The act is in the *Journals*, Aug. 20. See also *ibid.*, Sept. 24, and no. 594, *ante*.

599. JAMES MADISON TO EDMUND RANDOLPH.¹

PHILA'E Aug: 20th, 1782.

My dear Friend,

In my last I informed you that the [motion to rescind the controul given to France over the American ministers had been parried and] would probably [end in an adoption of your report.]² It was [parried by a substitute so expressed as to give a] committee sufficient [latitude in reporting without implying] on the part of [Congress a design to alter past instructions.] The composition of [the committee appointed according well with the object of the substitute, a report was made that the exposi-

[599]¹ Library of Congress, Madison Papers, Ac. 1081; *Writings*, I. 226 (extract); *Papers*, I. 160 (extract).

² See nos. 578, 590, *ante*. The statement of "Facts and Observations" reported by a committee Aug. 20 and recorded at length in the *Journals* was drawn up by Randolph before his departure in March (see no. 484, *ante*). The report itself mentions some proceedings on the subject not otherwise recorded in the *Journals*. These proceedings originated in the presentation to Congress, Nov. 17, 1781, of an act (Oct. 27, 1781) of the legislature of Massachusetts relative to the question of the fisheries, which was referred to a committee consisting of Lovell, Carroll, and Madison. The *Journals* contain no record of the proceedings Nov. 17, but an endorsement of the reference is found on the Massachusetts document (see the *Journals*, p. 1122 n.), and the date is also given in the report of "facts and observations". On Dec. 12 the committee made a report, which was recommitted. A report from this committee, stated to have been made Jan. 8, 1782, is embodied in the statement of "Facts and Observations". Again the *Journals* make no mention of this report, but do record (Jan. 8, 1782) an unsuccessful motion made by William Ellery, seconded by Richard Law, "That it is now expedient that Congress should enlarge their ultmata for concluding a treaty of peace". According to the report of Aug. 20 the report offered Jan. 8 was on Jan. 22 referred to a new committee, consisting of Carroll, Randolph, and Montgomery. The *Journals* record, under Jan. 22, some resolutions relative both to the fisheries and to the question of boundaries, but do not mention the appointment of this new committee. It was this committee that, on Aug. 16, reported the facts and observations which it had collected. The proceedings of that day are not found in the *Journals*, but are set forth in Thomson's notes of that date (no. 593, *ante*). Moreover, the Committee Book records that on Aug. 5 Duane, Williamson, Osgood, and Madison were "added to Mr. Montgomery" on the committee, "*vice* Carroll and Randolph" (Carroll and Randolph were both absent; the latter having left Congress in March). Madison mentions in his letter of Aug. 5 (no. 578, *ante*) that the committee "was yesterday [augmented to five and filled up]". According to the Committee Book the report of "Facts and Observations" was on Aug. 20 recommitted to Rutledge, Duane, Witherspoon, Howell, and Montgomery.

Meanwhile there had been other proceedings touching the instructions to the peace commissioners on the subject of boundaries. On June 17 there was an unsuccessful motion by Witherspoon, seconded by Madison, for the appointment of a committee to prepare instructions to the ministers plenipotentiary for negotiating peace, "the better to enable them to support the several claims of the United States not included in their ultimatum". Then, on July 24, Arthur Lee made a motion for a reconsideration of the commissions and instructions of June 15, 1781 (see nos. 562, 563, 565, 571, *ante*). On Aug. 2 there was a motion by John Rutledge for the appointment of a committee to report a revision of the instructions to Jay; and such a revision was reported Aug. 6 by a committee differing from that appointed Aug. 5 on the Massachusetts matter only in the substitution of Rutledge (who was chairman) in place of Williamson. On the same day with Rutledge's motion (Aug. 2) Lowell of Massachusetts offered a motion, apparently meant to extend to the whole of the instructions for negotiating peace, and on Aug. 5 there was a motion by Bland, seconded by Jackson of Massachusetts, for a reconsideration of the instructions. A similar motion was made Aug. 8 by Jesse Root, seconded by Arthur Lee, but this motion gave place to a new motion by Madison, seconded by Witherspoon, essentially the same in character as that which they had offered June 17. Madison's motion prevailed, and a committee, consisting of Madison, Duane, Rutledge, Jackson, and Witherspoon, was appointed for the purpose. This committee brought in a report Aug. 15, the outcome of which was that the matter was turned over to the committee on the Massachusetts act. The latter committee, as already stated, brought in its report Aug. 16. The proceedings from Aug. 2 to 20 are recorded somewhat at large in Thomson's Notes.

tory report] should be [referred to the secretary] for [foreign affairs] to be [by him revised and transmitted to the ministers in Europe and that the latter] should [communicate so much thereof as they] might [judge fit to his M. C. M. representing to him, etc.]

[In this train the business was going on smoothly] each of the [opposite parties seeming to concur] from a [fear of something more distant] from [their wishes, when] ^a

Mr. L.—1. [The reading of] the [argument in favor] of [boundary drawn] from the [federal source] present[ed to Bland] a [snake in the grass.] This [jealousy was sup]port[ed by Lee by] suggestions [which pointed to Franklin.] The [arguments used by] these [gentlemen] raised [up the advocates] for the [federal pretensions] and the [merits of this question] were [altercated] with a [warmth which ended] in [an adjournment.] Nothing could have been more [fatal to the report than] to [connect this dispute] with it in the [mind of Congress] and I have no longer any [hope of its success] I rather [surmise that a new struggle] will [ensue] a[gainst the ob]no[xio]us [clause.]

I am at a loss to account for the impenetrability of the cypher in my late letters, of which your favor of the 6th instant complains.⁴ . . .

The stigma on "some of the U. S." contained in the preamble of the ordinance agst. collusive captures is a typographical erratum. It s'd have run "some of the citizens etc."⁵

I differ from Mr. L.⁶ in opinion that the Cession of Va. will be accepted. The repugnance to it seems indeed to have in some degree subsided, owing perhaps to a change of Members in Congress, and a cooler view of the subject, but in its present form I cannot think it will at this time obtain a sufficient number of votes.

Upon what *authority* was the condemnation of the flag vessel included in the decree agst. the contraband merchandise?⁷

³ Up to this point Madison had used the official cipher, but changes to the Lovell cipher, as indicated by "Mr. L.—1" at the beginning of the next paragraph. The text is however continuous, the word "when" to be read with the passage which follows.

⁴ Randolph wrote to Madison Aug. 6: "Three clauses in your late favors are impenetrably locked up from me. I can discover, however, that you have fallen into the just key-word, as I am able to make out by this supposition the name of a certain gentleman, who probably has been zealous in the late business of finance. But farther than this I cannot go, and must therefore beg you to explain the mode, in which you have managed the cypher." Library of Congress, Ac. 1081: Letters of Edmund Randolph.

Randolph had succeeded in reading "Doctor Lee" in the letter of July 16 and had made one or two other efforts to solve the cipher passages but had failed. It would appear therefore that the passages written in the "Lovell" cipher were never read by him. Madison explains in this letter of Aug. 20 the mode in which he had employed the cipher, but, as he himself acknowledged in his letter of July 16, the cipher was "extremely tedious and liable to errors". He made numerous errors, and the consequence of a single error in using this type of cipher is that the reader is inevitably led astray until the error is corrected. For an explanation of this cipher see no. 555, note 2, *ante*.

⁵ Randolph had written (Aug. 6): "In the paper of Nicolson and Prentis of Aug. 3 you will find a curious preamble to your ordinance against collusive captures. 'Some of the united States' are charged with carrying on the illicit trade. Can this be correct?" The reference is to the ordinance of July 17; but the word used is "inhabitants", not "citizens". The paper referred to by Randolph was the *Virginia Gazette and Weekly Advertiser*, published at Richmond.

⁶ Arthur Lee.

⁷ In his reply, Aug. 30, Randolph says: "Her passport was considered as involving a condition, not to transgress the limits assigned her, nor to counteract the laws of

I am not able to add a syllable to what I have heretofore written on the subject of Pacific negotiations. The silence of our Ministers in Europe is amazing, unless a miscarriage of their despatches be the cause of our not hearing from them. The Minister of France is in the same suspense as Congress. We have not yet recd. even a line from Mr. Adams notifying the resolution of the States Genl. in his favor, an event which we cannot suppose he would be backward to communicate. I inclose you from the *Freeman's Journal* of the 7th inst. a very curious letter from that Gentl'n to his friend Mr. Searle which was taken with the Vessel from which the latter escaped in the Bay of Delaware and published in N. Y.⁸

600. JOHN TAYLOR GILMAN TO THE PRESIDENT OF NEW HAMPSHIRE
(MESHECH WEARE).¹

PHILADA. Augst. 21st 1782.

Sir,

The Letter you did me the Honour to write on the 6th Instt. I received by Post the 19th (with the Inclosures). Permit me to assure you Sir that I have a gratefull Sense of these favours.

we are now in the same State of Uncertainty respecting affairs in Europe, as when I wrote you last, which was by Mr. Storer the 15th Instt. have no Intelligence from our Commissioners there, for several Months past. are in Anxious Expectation of what may be the issue of the present Situation of Political affairs.² I shall be out of Money in a few Days. I do not know that I could sell a Bill if I was to Draw one on the State, and am very unwilling to make the Experiment as I think it would be Injurious to the state. suppose, as hard Money is scarce in New Hampshire, that Bank Bills might be more Easily obtained there than Money. I should be glad to have some Bills sent me as soon as possible after you receive this, as I Shall probably be out of Money before your Letters will reach me. I Shall not Attempt to draw any Bills on the State untill I hear from you, If I can possibly avoid it.³ I Inclose you a paper of this day.

the U. S. by the diffusion of British manufactures." In a letter of July 18 he had written: "The ship was indeed acquitted upon the principles of law. But I fear, that the chasm in the testimony, by which her acquittal was effected, did not proceed from her innocence, so much as from the non-attendance of a witness." Library of Congress, Ac. 1081. See also Randolph's letter to Bland July 19, in *Bland Papers*, II. 85.

⁸ Adams's letter to James Searle, printed in *Freeman's Journal* of Aug. 7 (taken from the *Royal Gazette* of July 10), is dated Dec. 26, 1781. What Madison found to be "curious" was probably a paragraph in which he remarks, "The secretaryship for the mission to Versailles, I am convinced will never be filled up while the present minister lives", with further comment on that office and the mission.

[600]¹ Mass. Hist. Soc., C 81 B 88.

² Gilman wrote to Josiah Bartlett the same day: "While a variety of Reports Respecting matters of great Importance are Circulating we are Intirely destitute of authentic Information, the last accounts from any of our Commiss'rs in Europe was of the 28th April" (Dartmouth College Lib., Bartlett Corr., II.). Gilman was slightly in error. Jay's letter of May 14 had been received Aug. 5 or 6. See no. 578, *ante*,

³ Writing to Weare again Aug. 28 Gilman said, "I am now almost Destitute of Money". Mass. Hist. Soc., C 81 B 89.

601. DAVID HOWELL TO WELCOME ARNOLD.¹

PHILADELPHIA 23 Aug. 1782.

Dear Sir,

I will suppose you have either never received, or had no leisure to answer my two former Letters and on this footing undertake to write you a third.²

You will no doubt be anxious to hear something about peace. It is the general wish, and I may add that of Congress too, while at the same time a manly firmness in persevering in our just claims and in our military operations so necessary to vindicate them will mark their character in this as well as in all former stages of the contest.

Nothing has yet transpired officially about the negotiation on foot. Private Letter from Paris June 28 mentions that Plenipotentiarys from the belligerent powers were in close consultation at Paris and it was expected that a general pacification would take place. I need not assure you of my disposition for peace on good terms.

A reduction of the Salaries of our foreign Ministers is in Contemplation and has been agitated in Congress this day. They have at present the enormous Sum of £2500 Sterling per Annum.

You will soon be informed of your appointment as one of the *Seven judges* to determine the long subsisting controversy betwixt Connecticut and Pennsylvania respecting the Lands on the *Susquehanna*: The Court are Mr. Whipple of N. H. Mr. Welcome Arnold of R. I. and P. P.³ Messieurs Brearley and Houston of N. Jersey, Messieurs Jones and Griffin of Virginia and a Mr. Nelson. All the judges were appointed by the mutual choice and agreement of the parties by their Commissioners. I hope you will not decline serving, as you will thereby not only disoblige the parties who have chosen you but your Friends who undertook to recommend you. It is a very high trust. It will at least make you known in the World. The allowance will be ten dols. per day in full.⁴

At the moment of my writing this letter you are as I suppose at So. Kingston deliberating about 5 per Cent. I hope you will not adopt it. You will thereby raise money for some States who will not raise any for you nor even for themselves.

It is in contemplation to order a Contl. Tax of 1,200,000 Dols. to pay the intrest of the *funded debt* for 1783.⁵ This will be constitutional and in my opinion much better than the Impost; but should that be adopted, this will probably be laid aside. We wait the result of your present deliberations with impatience. Georgia has not yet agreed to the Impost.

. . . .

[601]¹ Hist. Soc. of Pa., Gratz Coll., M. O. C.² One of these is no. 573, *ante*.³ See no. 569, note 2, *ante*.⁴ See the *Journals*, Aug. 12, 14, 23, and no. 486, *ante*.⁵ See no. 606, *post*.

602. RALPH IZARD TO ARTHUR MIDDLETON.¹

D'r S'r,

Genl. Washington has sent Lippencut's trial to Congress, which is now reading.²

The General in his Letter to the President seems to think that no retaliation should take place. Probably this will produce a Debate, which though not agreeable will be of importance. Nothing else of consequence that I know of. I think it likely that Lippencut's Affair will be committed, so that if you are not well enough to come to Congress today, you may notwithstanding be present at the decision of the question.

Aug. 26th, 1782.

603. JAMES MADISON TO EDMUND RANDOLPH.¹

PHILADA. Aug: 27th, 1782.

Dear Sir,

Your favor of the 16th came duly to hand yesterday. The hints which it gives with regard to merchandizes imported in returning flags, and the intrusion of obnoxious aliens through other States, merit attention. The latter subject has on several occasions been mentioned in Congress, but I believe no Committee has ever reported a remedy for the abuse. A uniform rule of naturalization ought certainly to be recommended to the States. Their individual Authority seems if properly exerted, to be competent to the case of their own Citizens. . . .

The report touching the unpopularity of [General G.]² was perfectly new to me. It may nevertheless be true. The letter recd. yesterday from the Govr. is silent as to the appointment of the Commiss's to treat with the Southern Indians. . . .

Congress re'd yesterday a letter from Genl. Washington inclosing one to him from Carlton with the proceedings of the Ct. Martial in the case of Lippencut.³ . . . Genl. W. seems to [lean to the side of compassion]

[602]¹ *S. C. Hist. and Geneal. Mag.*, XXVII. 74.

² Washington's letter of Aug. 19 (*Writings*, ed. Ford, X. 69, ed. Sparks, VIII. 336). See nos. 493, 525, *ante*, 603, 612, 668, *post*.

[603]¹ Library of Congress, Madison Papers, Ac. 1081; *Writings*, I. 226; *Papers*, I. 161.

² Here and in two instances below (where the words are in square brackets) the official cipher was used. In the printed texts the cipher at this point, "554. 308", remains untranslated. The cipher should have been 544. 308, the first number meaning *General*, and the second standing for the letter *G*. Madison's remark is made apropos of the following passage in Randolph's letter of Aug. 16 to him:

"Have you ever heard in Philadelphia a report which has been whispered here, and the truth of which I cannot assent to, concerning the [unpopularity of General Green with his army?] It is supposed to have arisen from [a dispute with an officer] of [rank; in which words of intemperance and abuse fell from the mouth of] this [prudent man]. Nothing could have occasioned [this unguarded conduct] but an unparralleled and as-yet-incredible revolution in [his temper. I know him personally and] from hence I argue the impossibility of the event should it be true, and some future occasion call for a repetition of the [sufferings of his army under hunger and nakedness, their former fortitude] may yield to the impressions of [discontent]." Randolph was using the official cipher. Library of Congress, Ac. 1081: Randolph Letters.

³ See no. 602, note 2, *ante*. Concerning the attitude of Clinton and Carleton in the Lippincott case see Sparks's note to Washington's letter.

but [asks the direction of Congress.] What that will be may perhaps be communicated in my next.

The consideration of your territorial [report has been resumed.] The expedient which was meant to conciliate both sides proved, as often happens, a means of widening the breach. The Jealousies announced on the side mentioned in my last, were answered with reciprocal jealousies from the other, and the [report] between the two was falling to the ground when a committment as a lesser evil was proposed and agreed to.⁴ . . .

As I do not find that any of my letters in which Mr. L——s cypher was used have miscarried, I inclose you a key exactly copied from mine. If it arrives safe, and unlocks the past letters, it may be of future use, you will observe and inform me whether the seal of [the letter]⁵ obviates all suspicion of its having been opened. . . .

604. CHARLES THOMSON, NOTES OF DEBATES.¹

[August 27, 28, 1782.]

Tuesday, August 27th.

The Com'tt of the week, *viz.*: Mr. Gilman, Mr. Clark and Mr. Huntington having recd. a petition signed by a number of inhabitants of a tract of Country called Kentuckey reported that it should be read and filed.²

The reading was first called for, and the purport of the petition was to state that the petitioners had, at the risk of their lives, settled a tract of country westward of the Allegheny Mountains on the waters falling into the Ohio, that the State of Virginia had lately granted large tracts of land within that district without any condition of settlements, that she had undertaken to form them into Counties and claimed jurisdiction there, that being removed above 800 miles from the seat of Government, it could not be exercised with justice and energy; that they were in danger of losing their rights, if they must go to Richmond where the Supreme Court sat and there contend with the last Grantees; that they have taken an Oath of Allegiance and considered themselves subjects of the United States and not of Virginia, that the Charter under which Virginia claimed that Country, had been dissolved; that in consequence of the dissolution the Country belonged to the Crown of G. Britain and that by the revolution the rights of the Crown was devolved on the United States, and therefore praying Congress to erect them into a separate and independent State and admit them into the federal Union.

Mr. Lee was surprized that the Com'tt had not explained in their report the nature of the petition, as they ought to have done, as that might have prevented its being read. The countenancing such petitions was an insult to the State of Virginia. As the petition had been read, the only thing now to be done was to refer it to the State of Virginia. The petitioners

⁴ See no. 599, *ante*.

⁵ The words "[the letter]" are not in the manuscript. Concerning Randolph's difficulty with the cipher see no. 599, note 4, *ante*.

[604]¹ N. Y. Hist. Soc., *Collections: Revolutionary Papers*, I. 145.

² See the *Journals*, Aug. 27, and nos. 607, 689, *post*.

were subjects of that State, if they suffered grievances they should apply to the legislature of that State for redress, and not to Congress. What right had Congress to interfere? that the rights of the Crown devolved upon Congress was a groundless, an extravagant and idle supposition. Could they devolve on Congress before it had an existence? Congress derived its power from the Confederation, it had no right but what the Confederation gave it. The United States individually were in existence before Congress was. They were sovereign free and independent and retained all the rights of sovereign free and independent states, except what they voluntarily gave to Congress by the Confederation. That the rights of the Crown to the vacant Lands within the bounds of any state could not devolve upon Congress but on the individual state within the bounds of which the lands lay.

Mr. Madison supported the propriety of referring the paper to the legislature of Virginia. The State he said had already taken measures to redress some of the grievances complained of. The legislature had divided the Country into Counties, they had established Courts, appointed judges, and brought justice to the doors of the petitioners. He was sensible that they were far removed from the seat of Government; that the time would come when the people in that Country must be divided into separate jurisdictions. The Constitution of the State had provided for that event; but the Legislature of Virginia and not Congress were to judge when that would be proper. The dissolution of the Charter did not break the social Compact among the people. The Charter was an agreement between the King, the proprietors, and the people. Though the King, by the dissolution of the Charter, might succeed to the rights of the proprietors, the rights of the people remained entire, and the king had no right to cut them into separate Governments without their consent. He doubted whether the present petition expressed the sentiments of the people in that district; he apprehended there were few if any of the natives of Virginia among the number of the petitioners. That the paper read should be referred to the Legislature of Virginia that they might enquire into the facts and determine what was proper to be done. As to the supposition that the right of the Crown devolved on the U. S. it was so extravagant that it could not enter into the tho'ts of any man. If the right of soil devolved why not the right to the quit rents and confiscated estates.

Mr. Williamson observed that the petition involved a question of a very serious nature; that no doubt a time would come when it would be discussed: that whenever it was discussed it would be attended with most serious consequences, and he apprehended the sword alone would decide. He wished it might be put off a long time, and not revived in our time, nor in the time of our children or their grand children.

Mr. McKean was sensible it was a question of a very serious nature—that it must be discussed. He was not for putting off the discussion to so distant a period. He was not for leaving it to posterity. He was willing to face it with all its consequences, and hoped it would be decided before the present war was concluded. If the people of Kentuckey have taken an Oath of Allegiance to the U. S., he will take them by the hand. He is

not afraid of Virginia. He hopes no State in the union will ever be so great as to give laws to all the rest, nor that any will be suffered to acquire so much power that the others cannot controul it.

Mr. Clark wants to be informed more particularly respecting the conduct and views of Virginia with regard to that western country, and what the meaning of the provision is of the Constitution of the State. He understands that they have it in contemplation to form the western country into distinct subordinate governments and to send out lieutenant governors to rule them. This will be going on the plan of Great Britain with regard to her former Colonies, and must bring on another revolution, which will be attended with convulsions and break the peace of the union. If he is rightly informed, that plan is already in part adopted and is one of the grievances complained of by the people and the foundation of the present petition. He is apt to be jealous, but he thinks it right to be jealous in such a case as this. He wishes for full information.

Mr. Howell observed that the right to the western Country was vested in the Crown of Great B. That by the proclamation of 1763 the King had prohibited his Governors from granting lands beyond the heads of the waters falling into the Atlantic; that by that proclamation reserved to himself the right of *pre-emption*; that the Crown of England claimed and had always exercised the right of setting off new governments—that both these rights devolved on the United States. Congress had acted upon the former when they passed the resolution recommending it to the states who claimed the western Country, not to make any grants of unappropriated lands. See [the *Journals*] Oct. 30, 1779, in opposition to which the State of Virginia made grants of which the present petitioners now complain and the 11th Article of the Confederation provides for the exercise of the latter right by the words “no Colony shall be admitted into the union until such admission be agreed to by nine States.” This is not to be confined to Colonies then or now in existence, but extends to any future Colony that may at any time be established or formed.

Mr. Witherspoon began by observing that one of the gentlemen from Virginia said it could not enter into the thoughts of any man that the rights of the Crown devolved on the United States. He supposed he intended that only as a figure in rhetoric, not as an assertion that would be admitted. It certainly could enter into the thoughts of men and had actually entered into his thoughts, and it had entered the thoughts of the petitioners and into the thoughts of very many sensible men at the beginning of the present Controversy. The western uncultivated and unappropriated lands belonging to the Crown were considered and spoken of early in the controversy as fund for discharging the debts that might be contracted in the war by the U. S. It would appear a strange whim if a sentiment which occupied and engrossed the minds not only of speculative, but of illiterate men and of the bulk of the inhabitants of many of the States had not some solid foundation to rest on. For his part he thought it founded on truth, on justice, on the nature of things, and was warranted by the Laws of Society. This controversy was begun and the war was carried on by the united and joint efforts of the thirteen States. By their

joint exertions and not by those of any one State the dominion of Great Britain was broken, and consequently the rights claimed and exercised by the crown devolved on all, and not any individual State. Why should one State reap more advantage than another. He admitted the consequence that not only the right of the unappropriated soil but also of the quit-rents and confiscated estates devolved on the U. S. As to the quit-rents it seemed to be the general opinion that they should be no longer collected, but that each man should enjoy the portion of land he was possessed of, clear of all incumbrance of quit-rents, and therefore they were not made an object with respect to confiscated estates; they were too inconsiderable to excite attention. Had a major part, or even one-half of any State joined the enemy, and their estates thereby became confiscated, he apprehended it would have been a matter of serious discussion whether they should belong to the U. S. or be appropriated to the sole benefit of the other half of the Citizens of the State.

With regard to the powers of Congress, or of the U. S. collectively taken, they could not be exactly defined in the articles of Confederation. Cases would arise for which no previous provision could be made. These came under and were decided by the great law of necessity, which was admitted as a law of nations. It might happen that a State would grow so powerful and so ambitious as to be dangerous to the other States in the union. In such a case the law of necessity and of self-preservation might compel the others, by a sovereign act of authority, to abridge the power of that State, and even to divide it into two or more distinct and independent States. He would not undertake to say that the petitioners were within or without the bounds of Virginia, or that it would be proper or improper to grant the prayer of the petitioners; but he saw no impropriety in letting the petition remain on the files of Congress, and should therefore vote in favor of that question.

Mr. Williamson insisted there was nothing before the House in which a question could properly be taken; that the bulk of the names to the petition which had been read appeared to be signed by one or two hands; they might be forged. No body could say that the signers or the persons whose names were written lived on the lands in question, that therefore the paper should be dismissed. This brought on a new debate, and at last an adjournment was called for and agreed to.

Wednesday, August 28th.

A flag-ship having arrived at Philadelphia with prisoners from Fortune Prison in England, the Captain represented to the agent of marine that on the passage the prisoners had compelled him to furnish them with a larger allowance of provisions than the rules of the victualing office and his instructions warranted, and therefore he demanded to be paid for the extra allowance. The agent of marine having communicated this matter to Congress and requested instructions, his letter was referred to a Com'tt consisting of Mr. Duane, Mr. Howell and Mr. Izard, who reported this morning a state of facts as it appeared to them, and recommended that the accounts of the Captain be referred to the agent of marine

for liquidation and payment. It was urged on the part of the Com'tt the honor of the nation was concerned; that the Captain, relying on the security of a flag and the honor of the American prisoners, had entered into a contract with Government to carry the prisoners to America; that in making his Contract he relied on furnishing them during the voyage with a certain quantity of provisions, daily, the same that was allowed to British soldiers on board of transports; that he had been compelled to give more, and that the loss would fall upon him; that he might have complained of the violation of the flag and demanded a reparation, which could not have been denied; but that he contented himself with only demanding pay for the extra allowance, and that this ought to be granted.

Mr. Rutledge thought the honor of the nation no way concerned. What mighty stain would it be on the honor of the nation that a number of men who had been for many months confined in prison and half starved, which was the case, should, when they had the power and when by a *freer* air and more exercise they found their appetite restored, compel the Captain to increase their allowance of provisions. He did not see the propriety of paying money when the enemy refused to settle with us and pay what they owed for the maintenance of their prisoners in our hands. Besides it should be considered that many of those who were now returned were militia of North and South Carolina, and had been, contrary to faith and justice, sent to England and kept confined, when by the Cartel settled between Greene and Cornwallis they ought to have been at liberty and in their own country. That in strict justice the enemy ought to return them entirely at their own expense. But he did not desire this. He was willing that justice, strict justice should be done. He wanted no favours, he would receive none from the enemy. He was for accounting with the enemy not only for the extra allowance but for the whole quantity of provisions issued to the prisoners during the voyage. For this purpose he had no objection against granting the captain a Certificate for the quantity of provisions served out to our people on the voyage, and that the amount should be charged to us and admitted in the general settlement; but he was against paying any money until the general account was settled. Several other members spoke on the occasion, and at last the report was recommitted.³

The matter being over, *Mr. Smith* arose and begged leave to call the attention of the house to a clause in the Ceremonial established with regard to foreign ministers. He meant that which regulated the visits between members of Congress and foreign ministers. He found it was differently understood by different members; some thought it was the duty of the minister to make the first visit, and that they were bound not to pay him a visit or accept his invitations to dinner until they had received his visit. Others did not consider themselves so bound. Hence arose a distinction among the members; while some held an intercourse with the

³ The matter appears to have come before Congress Aug. 26, through a letter of Robert Morris as agent of marine, dated Aug. 23. The transport was the *Symmetry*, Capt. Francis Maxwell. The report of the committee here said to have been brought in Aug. 28 is placed in the *Journals*, in accordance with an endorsement on the report, under Aug. 27. Cf. Morris to Sir Guy Carleton Aug. 20, in Wharton, *Rev. Dipl. Corr.*, V. 670. See also nos. 592, 596, *ante*.

minister and were constantly seen at his table and entertainments, others where wholly secluded. For his part he thought the minister's entertainments and invitations were too frequent and that it would comport more with the dignity of Congress if the members were seldomer seen at his table. But he saw no reason why one should not be there as well as another and that there should be one rule of conduct for all. He therefore desired the sense of the house on the clause.

Mr. Lee thought it highly proper to establish a rule. The republic of Venice had a law by which every member of the Senate was prohibited from dining with or being entertained by a foreign minister. This was to prevent all suspicion of being under undue influence. He did not mean that Congress should adopt such a rule. It was proper that the etiquette of visits should be settled.

The Ceremonial being read it appeared that the clause had a reference only to the visits of ceremony paid after the first public audience of a minister.

Several members treated the matter as trifling, and not deserving further attention.

Mr. Bland thought a Ceremonial should be settled that members might know their place; for this purpose he would move that a Committee be appointed.

Mr. Lee seconded his motion. Gentlemen might despise etiquette as they pleased; but it was so important as to be attended with very serious consequences. Every civilized nation had found it necessary to settle it. We should not affect to be wiser than all the world.

Mr. McKean observed that we might soon expect more ministers from foreign Courts, it was therefore the more necessary to settle the line of conduct to be observed toward each of them separately and to whom a preference should be given when together.

Mr. Williamson made a florid harangue on the occasion and mentioned the house contrived with several doors and the round table at Aix-la-Chapelle where the ministers of several powers met to settle the peace of Europe.⁴

Mr. Clark, composing his countenance to more than usual gravity, to give more poignancy to his accustomed sarcasms, wondered that gentlemen should call in question the importance of the subject or oppose the appointment of a Com'tt. He wanted to see the report and should therefore vote for a Com'tt.

After many learned arguments and fine speeches it was resolved, That a Com'tt be appointed to revise the Ceremonial respecting foreign ministers and to report the proper alterations and additions to be made thereto.

The members chosen: *Mr. Lee*, *Mr. Izard* and *Mr. Williamson*.⁵

⁴ Williamson's allusion is to the treaty of Ryswick (1797).

⁵ The resolve for the appointment of the committee is in the *Journals*, Aug. 26. A report was brought in May 6, 1783, and recommitted. Another report, brought in June 10, was adopted June 11. See the *Journals*, p. 531 n.

605. JAMES LOVELL TO WILLIAM WHIPPLE.¹

BOSTON August 30th, 1782.

My Dear Sir,

. . . . The day after I left Philadelphia was assigned for taking up Vermont affairs on which occasion doubtless New Hampshire ought to be represented but in my own opinion they had better remain unrepresented than join to forward measures which your State seems to be brought into; one of your late delegates I believe, made a kind of bargain with N. Y. delegates for the division of that country, on what personal and public terms I know not, but I think public peace, safety and honor concur in rendering any such bargain abortive and, a little while since 7 out of 8 of the Members of Congress thought so too.²

606. HUGH WILLIAMSON TO THE GOVERNOR OF NORTH CAROLINA
(ALEXANDER MARTIN).¹

PHILADELPHIA, 2nd September, 1782.

Sir,

You know that the eighth article of the Confederation says that the quota of each State in bearing the expence of the War shall be fixed according to the value of all located Lands and their improvements in those States respectively. The small States whose lands are valuable and much improved with Towns, etc., wish to throw the expences of the War on lands at large by the hundred Acres without regarding the quality or buildings. They would lay this beside the 5 per cent. Tax and an excise on Spirits and a Poll Tax. Many pretty reasons are given for this kind of Land Tax as that it will prevent frauds and perjury in valuing Lands and improvements and save a great deal of trouble. That it will operate as an agrarian Law in making large Land holders dispose of their Lands and occasion the Country to be well settled.

All these arguments which are not without force we are obliged to answer for by one short argument, *viz*: considering the smallness of our Towns and the great tracts of broken barren and piney Lands in North Carolina, we should, on this plan, be charged with near double the quota of public Debt that should in Justice fall to our share.

Therefore we are not bound in Justice to consent, nor are we bound in honor, because the Confederation expressly fixes another mode.

In our public Letter you are informed by Mr. Blount and myself that we should certainly oppose the report of the Committee with this explanation. I hope you will approve our determination. Should we, supported as we shall be by the Southern States, be able to carry a Recommendation for Taxes, to fund and pay our Quota of the National Debt according to the Confederation, it would certainly give you and every lover of the

[605]¹ Library of Congress, Force Trans., Whipple, p. 713.

² Lovell obtained leave of absence Apr. 15 and doubtless took his departure Apr. 16 (see no. 477, *ante*). The committee report on Vermont was taken into consideration Apr. 17. See nos. 478, 479, 483, *ante*. The New Hampshire delegate to whom Lovell alludes was evidently Samuel Livermore, the only member from New Hampshire at that time.

[606]¹ *N. C. State Recs.*, XVI. 406.

State great pleasure to find that our State was among the first in adopting an honorable and just measure. Most States in the Union have their annual Elections in the Autumn and of course their Session for the more weighty business of Government is on the beginning of Winter.²

Congress will doubtless fix their plan and send on their recommendations before that time, and as this scheme is to comprehend the payment of all past and future debts, you will not wonder that we are solicitous that the Assembly should meet, especially when you add the separate consideration, that it may be proper for our State to determine what is best to be done with the vacant Lands.³

607. JAMES MADISON TO EDMUND RANDOLPH.¹

Dear Sir,

PHILA., Sep'r 3d, 1782.

. . . . Another [petition from Kentucky] has been [received by Congress] contending [for the right of Congress to create new states and praying for an exertion of it in their behalf.] A [Copy will be sent] to [the Governor] by [the Delegates.] Mr. [Lee moved that the original] should be [referred to him by Congress. The debate] which [ensued] was terminated by [an adjournment, and] has not [been revived.]²

General Washington writes to Congress that Carlton had concurred in the proposition for a general Cartel so far as to appoint a Commiss'r for that purpose. There is little probability however that he has authority to settle such a cartel on the principles which Congress had in view, namely those of a national convention. It was thought by some that this would put to the test the sincerity of their professions on the subject of independence.³ There are it seems [three letters in the post-office from Carlton to the Governor] which do not [appear to have been licensed] nor is it [known how they got into that channel. The curiosity of people on this point is in]con[ceivable.]⁴

608. JOHN WITHERSPOON, PROPOSED RESOLVES.¹

1st. R[esolved]. . . . [September 6, 1782?]

4[th].² That in order to remove all doubts and jealousies which May exist in the States respecting the claims of individuals or Companies

² The grand committee on the means of supporting public credit, appointed July 22, made a preliminary report July 31, recommending the cessions of western lands, and to this committee was referred, Aug. 5, a letter from the superintendent of finance, dated July 29, discussing at large the question of credit and taxation. The letter is in the *Journals*, Aug. 5, and in Wharton, *Rev. Dipl. Corr.*, V. 619 (found also in *N. C. State Recs.*, XVI. 357, but there printed as if addressed to Governor Martin). The committee brought in a further report Sept. 4. See the *Journals*, Aug. 30, Sept. 4, 6, 10, 14, 16, 18, 25, Oct. 1, 10, 18, and nos. 611, 615, 618, 632, 652, 658, *post*; cf. nos. 569, 572, 579, 583, *ante*.

³ See no. 658, *post*.

[607]¹ Library of Congress, Madison Papers, Ac. 1081; *Writings*, I. 229; *Papers*, I. 163.

² The bracketed words are in cipher (official). The Kentucky petition was presented Aug. 27. See the *Journals*, also no. 604, *ante*, and no. 689, *post*. With regard to the earlier petition see the *Journals*, Aug. 23, 24, 1780.

³ Washington's letter, dated Aug. 28, is in *Writings* (ed. Sparks), VIII. 338.

⁴ See no. 635, *post*.

[608]¹ Library of Congress, Witherspoon Papers.

² The first three of the four propositions in this document are identical with the first three resolutions offered by Witherspoon Sept. 6, 1782. This fourth proposition con-

of Men by purchase from the Indians of any of the lands within the cessions³ Be it declared That all purchases and Deeds from any Indian or Indians or from any Indian Nation or Nations for any land within the cessions which have been or shall be made for the use and benefit of any private person or persons whatsoever, and Royal grants within such ceded territory inconsistent with the chartered rights, laws and customs of the States making such cessions shall be deemed and taken to be absolutely void and of no effect.

609. JOHN WITHERSPOON, "SPEECH IN CONGRESS ON A MOTION FOR PAYING THE INTEREST OF LOAN-OFFICE CERTIFICATES."¹

[September 9, 1782.]²

Mr. President,

I must entreat the attention of the house, while I endeavour to state this subject with as much brevity and perspicuity as I am master of. It is not easy to forbear mentioning, yet I shall but barely mention, the distressed and unhappy situation of many of the persons concerned in the public loans. I shall also pass by their characters, as whigs and friends to the American cause. I shall pass by the services which many of them have rendered, in their persons, by their friends, by their purses, and by their prayers. These are affecting considerations, which ought not, and which I am confident will not fail, to have their weight with every member of this house. Let us then, leave these topics altogether, and let us confine ourselves to the duty and interest of the United States in their present situation, when the care of their affairs is committed to us who are here assembled.

Public credit is of the utmost moment to a state which expects to support itself, at any time; but it is all in all in a time of war. The want of it defeats the wisest measures, and renders every department torpid and motionless. It cannot be denied, that by many unhappy, if not unwise measures, public credit among us has been reduced to the lowest ebb, first by a monstrous and unheard of emission of paper money; next by an act of bankruptcy, reducing it to six pence in the pound; then by a table of depreciation.³ There remained but one thing which preserved us some degree of respectability, that the promises made to lenders of money

tains in part the language of the latter part of Jones's resolution of Sept. 6, 1780, and the idea reappears in the seventh of the Virginia conditions in the *Journals* of Apr. 18, 1783. See no. 611, *post*. The four resolutions offered by Witherspoon Sept. 6 reappear, with slight alterations, Sept. 25.

³ The word "cessions" was substituted for "territory to be ceded".

[609]¹ *Works of John Witherspoon*, IX. 117.

² It seems altogether probable that Witherspoon is here addressing himself to the proposition offered by a committee Sept. 9 and, with slight emendations, adopted later the same day, directing the superintendent of finance to give immediate orders to the commissioners of the several loan offices to issue no more bills of exchange for the payment of interest become or becoming due on loan-office certificates since March 1. This was the culmination of a discussion that had gone on intermittently since May 24. See the speech placed under Aug. 5 (no. 577, *ante*).

³ The "act of bankruptcy" was of course the act of Mar. 18, 1780; the "table of depreciation" was adopted June 28, 1780.

before a certain period, had been kept for three years; but now as the last and finishing stroke, this also is broken to pieces, and given to the winds.

Let not gentlemen cry out as before, why distinguish these people from other public creditors? I do not distinguish them by asking payment for them alone; but I distinguish them, because their circumstances and disappointment give a new and disgraceful stroke to the credit of the United States. I distinguish them, because I hope that their sufferings and complaints may induce us to take some step towards the payment of all. Strange it is to the last degree, that this comparison should seem to set gentlemen's minds at ease—because great injury has been done to one class, therefore the same may and ought to be done to another. In this way it would be very easy to rid ourselves of both, and to say, why all this noise about loan-office certificates? have not all the receivers of continental bills suffered as much or more than they, and had the immense sum of two hundred millions sunk in their hands?—If this would be a good answer in one case, it certainly would in the other. Now is it proper or safe in our present situation, to refuse all kind of payment to the public creditors in this country, so numerous and so variously circumstanced? Let us examine it a little.

We are now endeavouring to borrow, and have the hope of borrowing money in Europe. Is this way to succeed? Is it not possible, is it not highly probable, that our treatment of our creditors here, will soon be known there? Nay, are not some of our creditors interested in this very measure, residing there? Must not this repeated insolvency neglect and even contempt of public creditors, prevent people from lending us in Europe? I am sorry to say it, but in truth I do believe that it is their ignorance of our situation and past conduct, that alone will make them trust us. I confess, that if I were at Amsterdam just now and had plenty of money, I would give what I thought proper to the United States, but would lend them none.

It is to be hoped, that in time truth and justice will so far prevail, that our posterity will see the necessity of doing their duty; but at present we seem but little disposed to it. By making some payment to the public creditors immediately, and prosecuting the measures already begun for further security, we should obtain a dignity and weight abroad, that would procure money wherever it could be found.

Let us next consider the effect upon our credit at home. It has ever been my opinion, that if our security were good, and our credit entire, so that obligations by the public would be turned into money at any time, at par or at little less, we should find no inconsiderable number of lenders. Every thing of this kind proceeds upon such certain principles as never to fail in any instance of having their effect. From the general disposition, that prevails in this new country, real estate is less esteemed, and money at interest more, that is to say comparatively speaking, than in the old. Now, whatever success we may have in Europe, I am persuaded we should still need, or at least be much the better of loans at home, which are in their nature preferable to those abroad; and therefore whatever leads utterly to destroy our credit at home, does an essential injury to the public

cause. Nay, though there were not any proper loans to be expected or attempted at home, some trusting to public credit would be necessary, to make those to whom we are already indebted patient, or at least silent for some time. To this may be added that annihilating public credit, or rather rendering it contemptible, has an unhappy influence upon every particular internal temporary operation. People will not seek your service, but fly from it. Hence it is well known, that sometimes stores and ammunition or other necessities for the army, have stood still upon the road till they were half lost for want of ready money, or people who would trust you, to carry them forward.

We must now go a little further, and say, that if this proposition is enforced, it will be a great hindrance to the payment of taxes, and raising the supplies which must be called for from the states. I do not insist upon what has been already mentioned, that the payment proposed would enable many to pay their taxes; because, though that is certainly true with respect to those who shall receive it, and though it is admitted they are pretty numerous, yet in my opinion, it is but a trifle to the other effects of it, both in the positive and negative way. It would give dignity to the public spirit, and animation to the people in general. It would give the people better thoughts of their rulers, and prevent murmuring at public persons and public measures. I need not tell this house how much depends in a free state, upon having the esteem and attachment of the people. It is but a very general view that people at a distance can take of the management of men in public trust; but in general it is well known, they are abundantly jealous, and as ready to believe evil as good. I do not speak by guess, but from facts, when I tell you that they say, we are now paying prodigious taxes, but what becomes of all the money? The army, say they, get none of it, being almost two years in arrear. The public creditors say they get none of it, not even interest for their money. This was told me by the county collector of Somerset county, New Jersey, who was not a contentious man, but wished to know what he ought to say to the people. Now this small payment, as it would be very general, would be much talked of; and I am persuaded, for its general good influence, would be worth all, and more than all the sum we shall bestow. I have heard it said in some similar cases, you must sometimes throw a little water into a pump, in order to bring a great deal out of it.

Now, on the other hand, what will be the consequence of a total refusal? You have told the public creditors, that you have no money in Europe to draw for. They will very speedily hear of this loan in Holland. They are sufficiently exasperated already; this will add to their indignation. They really are already sore; their minds will be rankled more than ever. They are looking with an evil eye upon some new men coming into play, and thinking themselves unjustly and ungratefully used. I believe they are not so much without principle, as to turn their backs upon the public cause; but a spirit of faction and general discontent, upon such plausible grounds, may do it essential injury. They may combine to refuse their taxes; and if any such unhappy association should be formed, it would spread; and many from a blind attachment to their own interest, would

pretend to be upon the same footing, though they have no concern in the matter: and if this disposition should become general, it would put an entire stop to all our proceedings. This discouraging prospect is not merely founded on conjecture. I have been told that there have already been meetings for entering into concert for refusing to pay taxes. Is it possible we can, in our circumstances, more profitably employ the sum mentioned in the motion, than in giving satisfaction to a deserving body of men, and in preventing evils of so alarming a nature.

It is possible, Sir, that some are comforting themselves with their own sincerity and good intentions; that they ultimately resolve to pay all honourably; that they have taken, and are taking measures to prepare for it. A sum of money is called for on purpose to pay the interest of the public debts; and the five per cent. impost is appropriated to the same purpose. But, Sir, it will take a considerable time before the most speedy of these measures can bring money into the treasury; and in the mean time the late step of refusing to draw bills, has given such a stroke to loan-office certificates, that their value is fallen to a very trifle—the spirits of the people are broken—a gentleman told me the other day, I see the loan-office certificates are gone, as well as all the rest of the money. The inevitable consequence will be, that hard and irresistible necessity, or incredulity and ill humour, will make them part with them for a mere nothing; and then the greatest part of them by far will really be in the hands of speculators. When this is notoriously the case, I shall not be at all surprised to find that somebody will propose a new scale of depreciation, and say to the holders, you shall have them for what they were worth and generally sold at, at such a time. Past experience justifies this expectation, and no declaration we can make to the contrary, will be stronger than that of Congress in the year 1779, that they would redeem the money, and that it was a vile and slanderous assertion, that they would suffer it to sink in people's hands.⁴ I know particular persons also, who by believing this declaration, lost their all. Now, if this shall be the case again, public faith will be once more trodden under foot; and the few remaining original holders of certificates will loose them entirely, being taken in connection with those who purchased them at an under value.

G10. THE VIRGINIA DELEGATES TO THE GOVERNOR OF VIRGINIA
(BENJAMIN HARRISON).¹

PHILADA. Sep'r 10, 1782.

Sir,

Your Excellency's favors of the 23 and 30 Ult. were recd. yesterday.² Not recollecting that any resolutions of Congress declaratory of their ultimate sense with regard to confiscations, have been published, we apprehend that some mistake must have led to your remarks on that subject.

⁴ See particularly the circular letters of Jan. 13, May 26, and Sept. 13, 1779.

[610]¹ Va. State Lib., Executive Papers (signed by Bland, Madison, and Jones); *Cal. Va. State Papers*, III. 296.

² The governor's letters are in *Official Letters*, III. 303, 311.

The Journals of Congress for 1779 are not yet compleated. As soon as they are you shall be furnished with a copy. The propriety of applications to the British Commander for a restitution of slaves having never been agitated in Congress, it is impossible for us to inform you with certainty in what light such a Step would be viewed by them. We can only say that in general, all separate and partial transactions between individual States and the Enemy are considered as disaccording with the Spirit of the confederacy, that a solicitation of favors from the Enemy at this juncture may not be very politic; and that there does not appear to us any sufficient evidence that the application in question if made would be attended with success. . . .³

611. JAMES MADISON TO EDMUND RANDOLPH.¹

My dear Sir,

PHILADA. Sep'r 10th, 1782.

The loss of the French 74 in Boston Harbour presented an occasion which was embraced by Congress, of making a small requital to their Ally for his benevolent exertions in behalf of the U. S. They have directed the Agent of Marine to replace the loss by presenting in the name of the United States the ship *America* to the Chev'r de la Luzerne for the service of his M. C. M. The *States* were unanimous in this vote. The [dissenting members were Bland and Jones of Georgia.]

Independent of the motive of Gratitude, it was [certain that our resources could not launch the Ship before the winter; that before the Spring she would be scarcely worth launching; that it was prudent therefore to dispose of her and more so by gift to France than by sale to either France or Spain.]²

The report of the Grand Committee "that the western lands if ceded to the U. S. would be an important fund etc." was the subject of the deliberations of Congress on thursday and friday last; After the usual discussion of the question of right, and a proposal of opposite amendments to make the report favor the opposite sides, a turn was given to the debate to the question of expediency, in which it became pretty evident to all parties that unless a compromise took place, no advantage could ever be derived to the U. S. even if their right were ever so valid. The no. of States interested in the opposite doctrine rendered it impossible for the

³ In an omitted passage the delegates speak of the act of Congress in consequence of the loss of the *Magnifique*. See nos. 611, 612, *post*.

[611]¹ Library of Congress, Madison Papers, Ac. 1081; *Writings*, I. 231; *Papers*, I. 166.

² Bracketed words are written in cipher. Madison had mentioned the accident to the French ship in his letter of Sept. 3 (no. 607, *ante*). See the *Journals*, Sept. 3. Robert Morris recorded in his Diary Sept. 3: "This day I requested a committee of Congress for a conference. Mr. Rutledge, Mr. Osgood, and Mr. Madison were appointed, and I proposed to them to present the seventy-four gun ship, *America*, to his most Christian Majesty, who has lately lost *Le Magnifique*, a seventy-four gun ship, in the harbor of Boston. The committee were unanimously of opinion with me that this unfortunate incident afforded Congress an opportunity of showing a mark of the sincerity of their attachment to their ally, by enabling his minister to continue the force of his fleet at a time when it could not otherwise be done. Besides the propriety which there is in showing this mark of attachment and gratitude to his most Christian Majesty, I have several other strong and pointed reasons which induced me to propose and always to support this measure. The want of money in our treasury to fit, equip, and man this ship is amongst the number." Wharton, *Rev. Dipl. Corr.*, V. 678 n. See also Luzerne to Livingston Sept. 5, *ibid.*, p. 695.

title of the U. S. ever to obtain a vote of Congress in its favor, much less any coercive measures to render the title of any fiscal importance; whilst the individual States having both the will and the means to avail themselves of their pretensions, might open their land offices, issue their patents, and if necessary protect the execution of their plans; without any other molestations than the clamours of individuals within and without the doors of Congress. This view of this case had a manifest effect on the most temperate advocates of the federal title. [Witherspoon] moved a set of resolutions, recommending to the States which had made no cessions to take up the subject, and to the States whose cessions were not entirely conformable to the plan of Congress, to reconsider their acts; And declaring that in case of a compliance of the several States claiming the back lands, none of their *determinations* with regard to *private property* within their cessions shall be *reversed or altered* without their consent, except in cases falling within the 9th article of the Confed'n. On this motion the report was postponed and these resolutions committed. The report of the Committee on the last article will probably determine the ultimate sense of Congress on the pretensions of the companies.

Every review I take of the Western territory produces fresh conviction that it is the true [policy of *Virginia*] as well as [of the U. Ss. to bring the dispute to a friendly compromise.] A separate [government cannot be distant, and] will be an [insuperable barrier to subsequent profits.] If therefore the decision of the State on the [claims of the companies] can be [saved] I hope [her other] conditions will be [relaxed.]³ . . .

We are still left by our Ministers in the most painful suspense with regard to events in Europe. . . .

612. THE SOUTH CAROLINA DELEGATES TO THE GOVERNOR OF
SOUTH CAROLINA (JOHN MATHEWS).¹

PHILADELPHIA September 10th 1782.

Sir,

Your favour of the 15th ulto. by Mr. Sansum was safely deliver'd by him on the Evening of the 7th instant; the Accounts you give us of the Circumstances inducing the belief of an approaching Evacuation of Chs Town are very agreeable, and we sincerely hope that an Event so much to be wished for, either actually has been or very shortly will be carried into Execution.²

We have the pleasure of inclosing you the certified Copy of a resolution of Congress obtain'd yesterday agreeable to your request respecting the Continuance of Genl. Greene in the Southern Department with the Troops under his Command, till the further Orders of the Commander in Chief: also a resolve referring the matter to the General who we doubt not will

³ See Witherspoon's propositions in the *Journals*, Sept. 6, and the resolutions (the same with only slight modifications) reported by the committee Sept. 25; cf. no. 608, *ante*. For the further course of the matter see nos. 658, 668, 671, 675, *post*.

[612]¹ *S. C. Hist. and Geneal. Mag.*, XXVII. 77.

² A letter from Governor Mathews to Arthur Middleton, Aug. 25, with continuations Aug. 29 and Sept. 1 (*S. C. Hist. and Geneal. Mag.*, XXVII. 69), mentions his public letters to the delegates by (John) Sansum and gives an account of matters in and about Charleston. A letter of June 26 from Mathews to Middleton is *ibid.*, p. 67.

upon due Consideration direct ev'ry necessary Step for establishing the Tranquillity and Safety of the Southern States.

Congress have determined upon a Demand of 1200000 Dollars from the States, (to be raisd immediately by such Taxes as may be judged by the States proper and effectual) for paying the Interest due on L. O. Certificates and other publick Debts when liquidated.

The Resolves are ordered to be forwarded by the S. I. Finance together with Copy of the Estimate of the domestic Debt. There being no fund in Europe for payment of the Interest due on L. Off. Certificates since 1st March last, the S. I. Finance was, by a Resolve yesterday, directed to order the Commissioners of the L. Offices in the Several States to issue no more Bills of Exchange for Interest which hath or may become due since that date.³

In consequence of the loss of the *Magnifique* in Boston Harbor, Congress, to express their sense of the generous Exertions of his most Ch. Majesty have directed the Agent of Marine to make a Tender of the *America* the 74 gun Ship now in New Hams. to Mons. la Luzerne for the Service of his Majesty, which has been accepted.⁴

The British Genl. and Adml. have agreed to nominate Commissioners for settling a General Cartel, but from Circumstances we have no Expectation of its taking place soon. The Trial of Lippencut has been forwarded by Genl. Carleton to Genl. Washington, who transmitted it to Congress where the matter lies Committed.⁵ Nothing of moment has occurred since our last by Mrs. Mathews; we still remain without any Official Intelligence respecting our Affairs in Europe, nor have we any News of importance except what may be contained in the papers inclos'd.

P. S. We inclose your Excellency a Copy of Genl. Washington's Letter to us, and also the Copy he wrote to us of his Letter of the 18th March last to Genl. Greene.⁶ A Letter recd. from the Genl. two Days ago mentions his having had Intelligence from New York of the sailing of Five Transports some days before under Convoy of the *Warwick*, having on board fifteen hundred of the Foreign Troops said to be bound to Halifax.

By Heyward September 10th, 1782⁷

613. JOHN TAYLOR GILMAN TO THE PRESIDENT OF NEW HAMPSHIRE
(MESHECH WEARE).¹

Sir,

PHILADA. Sept. 11th 1782.

. . . I Inclose you Copy of a Resolution of Congress respecting the Ship *America*. I Likewise Inclose a Paper of this day by which you will be informed of the late Change in the British Ministry.

³ See the *Journals*, Sept. 9, and no. 609, *ante*, nos. 614, 615, 618, *post*.

⁴ See no. 611, *ante*.

⁵ See nos. 602, 603, *ante*, no. 668, *post*.

⁶ See no. 595, *ante*, and no. 625, *post*.

⁷ This doubtless should have been "September 17th". Thomas Heyward was the bearer of letters Sept. 17, including a copy of this letter of Sept. 10. The text from which the letter was printed in *S. C. Hist. and Geneal. Mag.* is probably that copy. See nos. 622, 623, *post*.

[613]¹ Mass. Hist. Soc., C 81 B 91.

It appears at present that they are much Elated with their success in the West Indies and the accommodation of their affairs with Ireland. What their present Intentions are time must Determine. . . .

P. S. Since finishing my Letter dispatches have been receiv'd from Mr. Adams. The accounts from Holland are very agreeable and in some particulars (which I am not at liberty to mention) Exceed Expectation²—have not time to add as the Mail is just closing.

614. JOHN TAYLOR GILMAN TO JOSIAH BARTLETT.¹

PHILADA., Sept. 11th, 1782.

Dear Sir,

. . . . You will see by the News Papers, accounts of the late Change in the British Ministry; what will be the Consequence time must Determine. I am still of opinion that the Enemy have Hopes of making a separate Peace with us, but, if this is the case, they must be Disappointed. Our Independence, and the Alliance with France, must go Hand in Hand. I believe it may be depended on, that abt. 1500 Troops have lately sailed from New York, said to be for Halifax; what their next destination may be, I cannot say, perhaps a Plundering Expedition.

A Resolution has lately passed, respecting Interest on Loan Office Certificates, which suppose you will see, by the time this reaches you.² Genl. Washington has removed Head Quarters to Verplanck's Point. The French Army from the Southward marched through this City a few days since—are now in the Jerseys. Twelve States are now represented in Congress.

It was expected that Rhode Island would have passed the Impost act, but their Assembly broke up a few Days since, without doing it.³ Nothing done, or likely to be done respecting Vermont affairs, or the Western Lands.

It is so long since we had any accounts from our Ministers in Europe. that whether they are Dead or living I cannot say. . . .

615. EZRA L'HOMMEDIEU TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

PHILADELPHIA, Sept. 11, 1782.

A Ship arrived here last Evening from Holland, which Place she left the 28th of July: she is loaded with Goods on Account of the United States to the amount of Thirty Thousand Pounds Sterling.²

. . . . Congress have for some Time been employed in devising Modes for establishing Funds in the different States on General Principles, for

² See nos. 614-616, 618, 620, 621, *post*.

[614]¹ *Hist. Magazine*, VII. 52.

² See nos. 609, 612, *ante*, 615, 618, *post*.

³ See no. 601, *ante*, nos. 620, 621, *post*.

[615]¹ *Clinton Papers*, VIII. 37.

² Cf. nos. 613, 614, *ante*, 618, 620, 621, *post*.

the Payment of Interest on Moneys which now are or hereafter may be loaned: a Land Tax is talked of, and also a Poll Tax, but as all the states must agree, when we consider, that the 5 pr. Cent act is not yet complied with, I have not much reason to expect the several States will readily adopt this, if it should be recommended; it is agreed for the present to raise 1,200,000 for the Payment of Interest of Money loaned and for the Interest of debts due from the United States; the Inhabitants of each state to be paid their Interest out of the Monies to be raised in the State to which such Inhabitants shall belong or when the Money was loaned. The Quotas of the States as agreed on are different from the last Quota in respect to each other. Connecticut is 133,200; New York 54,000; New Jersey 66,000.³

The Resolutions of our Legislature recommending the Convention, will not I believe have the Effect that many Gentlemen expected, as but very few States seem disposed to grant further Powers to Congress,⁴ and tis said some of the States will not adopt the Act of Congress of [blank]⁵ for fixing the Quotas for past expenditures otherwise than is directed by the Confederation; however, the Documents our Committee may procure probably hereafter may be of use to the State.

616. THE NORTH CAROLINA DELEGATES TO THE GOVERNOR OF
NORTH CAROLINA (ALEXANDER MARTIN).¹

PHILADELPHIA, Sept. 11th, 1782.

Sir,

Your favor of the 20th Ult., came to hand the 9th Instant.² It is the only Letter we have received from your Excellency since our arrival here, tho' the Interest of the State induces us to wish that we could inform Congress concerning the progress made in filling up the Continental Battalions and other incidents that are said to have happened there. To instance a single one, it is reported that the Indians have been annoying the frontier and that a party of Militia are sent out against them. At this very instant Pennsylvania is pressing Congress for Continental Troops to join their Militia in an expedition against the Indians on their frontier, the whole to be at the Continental expence.³ We shall hardly think it our duty to oppose this measure, but if we knew that our Militia was employed in similar services we should certainly avail ourselves under the precedent of that vote to claim the whole of our expence on the Indian expedition as a Continental service.

³ See no. 606, note 2, *ante*.

⁴ See no. 594, *ante*. and no. 618, *post*.

⁵ The reference is probably to the act of Nov. 2, 1781. See the *Journals*, Apr. 1, 1782; *cf.* nos. 376, 455, *ante*.

[616]¹ *N. C. State Recs.*, XVI. 410 (extract, signed by Williamson and Blount).

² Governor Martin's letter of Aug. 20 is in *N. C. State Recs.*, XVI. 402.

³ See the *Journals*, Sept. 5, 13; also *Pa. Arch.*, first ser., IX. 626, 630, 635, 636, 638-642; *cf.* no. 653, *post*.

617. CHARLES THOMSON, NOTES OF DEBATES.¹

[September 16, 17, 1782.]

September 16th.

A Letter having been recd. on the 11th from H. Laurens dated at Amsterdam the 30th May last, wherein he gives an account of his imprisonment and sufferings in the Tower of London, of his release and of the steps leading to it, and of his subsequent conduct; of his informing Doct. Franklin from Ostend that he declined acting as one of the Commissioners for negotiating a peace, and of his intention to return to America after having visited his relatives in the south of France, a motion was made by *Mr. Rutledge* that Congress should come to a Resolution not to accept his resignation. This was referred to a Com'tt consisting of Mr. Duane, Mr. Madison and Mr. Rutledge, who next morning,

September 17th.

reported two resolutions which were immediately read and agreed to by Congress. The first was to this effect, that Mr. Laurens be informed that the reasons which induced Congress to appoint him one of their ministers for negotiating a peace still subsist, and therefore Congress cannot dispense with his services. And the other was to this effect, that the ministers of the United States for negotiating a peace be instructed, each of them, upon receiving information of the time and place of opening the negotiations, immediately to give notice thereof to the rest in Europe in order that they may attend.²

618. JOHN TAYLOR GILMAN TO JOSIAH BARTLETT.¹

PHILADA. Sept. 17th 1782.

Dear Sir,

After I had wrote my Letters of the 11th Instt. official accounts from Holland as late as 13th July were Received by the Arrival of a Vessell in this Harbour, I Just noted this in my Letter to the Hon'ble the President of the State and Mentioned that those accounts were very agreeable Especially in some particulars which I was not *then* at Liberty to Mention.² This Vessell is One of Three which was Loaded in Holland with Cloathing etc. on account of these United States, which was purchased and Expected would have brought here some Considerable time past, but was delayed by Vile Mismanagement. are informed that another of these Vessels is Arrived at Boston by which Suppose you have the accounts of the United Provinces acceding to our Independance, if you have not you will see them by the News-Papers. The particular Circumstance which I had Reference to in my Note in the President's Letter is the Negociation of a Loan in Holland. Mr. Adams informs that he has Opened a Loan for 5,000,000 Guilders (Equal to about 1,875,000 Dol-

[617]¹ N. Y. Hist. Soc., *Collections: Revolutionary Papers*, I. 154.² See the *Journals*, Sept. 16, 17, 20, and nos. 621, 624, 626, 631, *post*. Laurens's letter to Congress May 30, 1782, is in Wharton, *Rev. Dipl. Corr.*, V. 454.[618]¹ Dartmouth College Lib., Bartlett Corr., vol. II., 1779-1790.² See nos. 613-615, *ante*, 620, 621, *post*. Concerning the question of "vile mismanagement" see the *Journals*, Nov. 1.

lars), this Loan is going forward as fast as can be Expected, about one fourth part of the Money was Ready when these accounts came away. This will be of great service to us and I doubt not but it will be better managed than some Loans have heretofore been.

. . . .³ You have undoubtedly seen the Resolutions for Reducing Officers in our Army, and those other Resolutions Respecting Interest on Loan Office Certificates.

Congress have agreed to call on the several States for 1,200,000 Dollars to pay the Interest of Domestic Debts. the plan is not yet Completed but it is Intended that Bills be Drawn on the Several States for their proportions of this sum and that the Holders of public securities within Each State shall be Intitled to payment out of the Monies Raised in such State before any others are paid. perhaps this Tax will not be agreeable to the Ideas of some, but what can be done better; the Resolution to prevent Drawing Bills was absolutely Necessary at the time it passed, as we did not then know of any fund on which we had a Right to Draw, and it is my Opinion Ill policy to pay the Interest of Domestic Debts by foreign Loans.⁴ I Suppose you have the Resolutions of N. York (passed some time Since) with Respect to Holding a Convention for the purpose of Considering the Articles of Confederation etc. That those Articles are Deficient and Imperfect in some degree must be allowed, but the Query is whether their is any, the least probability that a Convention would make any material alterations for the better, which would probably be agreed to by the Several States; I Suppose our Legislature will be adjourned before this Reaches you. I Should Imagine that they have not come to any determination on this matter.⁵ You will Observe by the Resolutions for Reducing the Officers etc. that they are to Retire agreeably to former Resolutions which gave Half Pay. perhaps this will not be agreeable to our Legislature, but their was no other alternative. they would have been Continued drawing whole Pay, Subsistance etc. if this had not been done the saving which will be made by this Reduction is Calculated at about 700,000 Dollars pr. Annum.⁶

In Two of my Letters to the Hon'ble the President of the State I wrote Respecting Depreciation etc. due to the Army for the Years 1780 and 81. I have not had anything in Answer therefore Conclude my Suggestions on that Subject were not agreeable, but as I then thought, and Still think it to be an affair worthy the Serious attention of the State, I considered it as my Duty to mention it. . . .

619. SAMUEL OSGOOD TO HENRY KNOX.¹

PHILADA. 17 September 1782.

Dear Sir,

It will not appear Strange to you that I have taken up my pen to write you on a Subject in which you are no otherwise personally concerned

³ The omitted passage contains mainly conjectures with regard to peace negotiations.

⁴ See the *Journals*, Sept. 4, 10, 18, 28, Oct. 1, 10, and nos. 606, 611, 615, *ante*, 620, 621, 632, 652, 658, *post*.

⁵ See nos. 594, 615, *ante*.

⁶ See the *Journals*, Aug. 7, and nos. 576, 585, 586, *ante*.

[619]¹ Mass. Hist. Soc., Knox Papers, X. 1.

than as a military person who always ought to have warm military attachments, yet I confidently presume none other than such as are perfectly consistent with our national safety and such as will always be circumscribed within the limits of national expectation. I know too well your liberal sentiments both towards the Army and the civil confederacy not to suppose that you have formed ideas of both upon the soundest principles of national policy. Impressed with these favourable Sentiments, I need not ask your Candor when I explain to you the principle which governed their Committee and I trust Congress itself in adopting the late System for the adjutant General's departments. A system no otherwise complained of to my knowledge but as the pay and emoluments annexed to the several officers are unequal as is supposed to the duties required of these officers.²

The Confidence unavoidably reposed in their fidelity and the great necessity of punctuality and energy in the execution of the trust reposed seem to point out as is said pecuniary emoluments as the greatest security for the good conduct of the Officers in that department—or that they be rewarded by Military rank and promotion. The present Adjutant General³ (against whose Abilities to execute or promptness in execution no unfriendly insinuation has to my knowledge ever been made) feels himself necessitated to leave his Office unless his pay and emoluments are increased or that he be rewarded with military Promotion. The pay and emoluments annexed to the Adjutant General by the last System are those of a Brigadier General, if not, it was certainly the views of the Committee that they should be the same. the number of Rations are particularly specified as well as the Sum for Subsistence. This seems to be complained of, But I think without the shadow of a reason, because Congress are so heartily disposed to gratify the Army in these matters which they can do without any additional expence to the public that if they will make their election and point out what will please them they may either draw all their Subsistence Money in specific Rations or otherwise as is most convenient for them. this in the present mode of supplying the Army is a matter of so little consequence to the public that it may without any application to Congress be adjusted by the financier and Secretary at War. under that head there is no reason of complaint.

The reason given why the pay and emoluments are an insufficient reward for the Services performed is solely because a Brigadier General executes them, and he receives no addition to his pay as a Brigadier General. But if a Colonel, Lieutenant Colonel, Commandant or Lieutenant Colonel they will severally have such an addition to their pay and emoluments as to make them equal to a Brigadier General. In this the main argument seems to be grounded, for if these are entitled to an additional pay then certainly the Brigadier General is equally so. I will not say this consequence is a true one, I think it is clearly otherwise. perhaps no one

² See the *Journals*, Aug. 1. The report was drawn by Osgood. Cf. no. 698. *post*.

³ Brig.-Gen. Edward Hand was elected adjutant-general Jan. 8, 1781, and re-elected Dec. 31, 1782. See the report of a committee of which Osgood was chairman, in the *Journals*, Nov. 18 (p. 733), and a letter of the secretary at war Dec. 22, in the *Journals*, Dec. 30.

office in the Army has been so uniformly the same as to pay and Emoluments as that of the Adjutant Generals. It has always had annexed to it the pay and emoluments of a Brigadier General. The first officer that filled it had the rank of a Brigadier General, the subsequent ones, till the present had the pay and emoluments without the rank,⁴ therefore from former precedents no argument can be raised in support of additional pay. It has been suggested that Colonel Scammell the late Adjutant General quitted the Office because the pay and emoluments would not support him. But from my intimate acquaintance with him I have good reason to believe he quitted the Office from a very different reason. It seems to be advanced that the quantum of Promotion in the Officer that fills the Office shall alone govern the quantum of reward without having any regard to Services. I do not recollect ever before to have heard this advanced as a rule for adjusting rewards, But otherwise that similar Services generally entitle to similar rewards. With respect to this Office I persuade myself Congress adopted the last rule and that let an Officer of which ever of the grades it is confined to fill the Office his necessary and unavoidable expence would be great as those of any other grade. Is the opinion founded in Justice that if a Brigadier General fills the Office and has no additional pay then a Lieutenant Colonel in the same Office ought not to have any?

I think the plain and natural construction of the resolution of Congress is that the pay and emoluments of a Brigadier General are a sufficient reward to induce the most confidential and best qualified Officers to undertake it except Major Generals, for no one can suppose that Congress expected they would reduce their own pay by accepting the Office and the experience of six or seven years would naturally impress them with this Sentiment that notwithstanding a Brigadier General filled the Office with Approbation and esteem at present yet if it should be our Misfortune to have him removed therefrom on any account Congress had no certain reason to conclude that all the military Geniuses best qualified for that Office were confined to the Grade of Brigadier Generals but on the Contrary that it might be possible that from three lower grades a person might be found better qualified in every respect to execute the duties of that Office than Brigadier Generals. The opinion may have been a presumptuous on, But I believe it was really so. As to rewarding the services of the officers with Military promotion I believe very few officers in the Army would be willing to consent to it. It would be attended with so many apparent ill consequences to the peace of the Army that no Arguments need to be adduced in refutation thereof. That the pay and emoluments annexed to the Office are as great considering the duties as those annexed to a Brigadier General I will not presume to determine. I can safely conceive that the Office is highly confidential and of the utmost consequence to the peace and safety of the Army—the more so the more honorable.

⁴ Gen. Horatio Gates was chosen adjutant-general, with the rank of brigadier-general, June 17, 1775; Joseph Reed, with the rank of colonel, June 5, 1776; Timothy Pickering, with the rank of colonel, May 7, 1777 (that is, he accepted the office on that date; it was offered him by Washington Mar. 30); and Alexander Scammell, with the rank of colonel, Jan. 5, 1778. Scammell was succeeded by General Hand, as mentioned in note 3, above.

But as I can easily conceive where a Brigadier General has no Brigade, when he can have no command in the Army unless in that Office rather than be idle and eat the bread of an impoverished and reduced country without rendering any Services therefore That duty as well as inclination would strongly urge him to accept of such an office with the pay and emoluments that have invariably been annexed to it.⁵ Surely General Hand will not presume to think that he is the only person that has filled that office with general esteem and Approbation. he will not surely pretend that his duties are more numerous and multiplied than those of his predecessors or that his expences are necessarily greater. If my information is good his duties are not so great and consequently I cannot conceive that his expences are necessarily greater so that I humbly conceive that Congress rather discovered a liberal than a contracted and penurious disposition, therefore the policy of it stands upon the broad bottom of generous principle. Neither can there be a charge of inattention: Surely the subject was very carefully and very fully examined. It was not hastily adopted it was several months under consideration and after much conversation on it by the Committee they unanimously agreed. The only objections in Congress against it was that the pay and emoluments were too great. I think from the candid explanation every charge of inattention will be removed. How far it is destitute of respect or anything else I will not determine because if the Subject was carefully attended to, if it is founded on liberal principles which in my opinion is clearly the case, I have nothing to do with respect or defences in a public capacity farther than directed by my own judgment which I hope will ever be free and unconstrained.

Thus Sir I freely opened to you my Sentiments on a subject which I find has been the cause of very severe strictures. If I am wrong in my opinion I hope to feel the weight of rational conviction which I must acknowledge I do not at present. forgive me dear Sir for having troubled you thus much and believe me to be with sentiments of the greatest esteem
Dear Sir

your most obed. Servant,
SAMUEL OSGOOD.

620. THE VIRGINIA DELEGATES TO THE GOVERNOR OF VIRGINIA
(BENJAMIN HARRISON).¹

PHILADA. Sepr. [17?] 1782.

Sir,

The copy of sundry late resolutions of Congress herewith inclosed will inform your Excellency of the necessity they have been under of enlarging their requisitions on the States. This necessity has resulted in part from the perseverance of Rhode Island in declining to accede to the 5 Per Ct. impost.²

⁵ Cf. the *Journals*, May 17, 1779.

[620]¹ Pierpont Morgan Library, Signers of the Constitution, p. 106 (signed by Madison and Lee).

² See nos. 612, 614, 618, *ante*, no. 621, *post*.

Since our last a Ship has arrived at this place from Holland with a Supply of goods for the army amounting in value to upwards of £22,000, Sterl'g. The despatches brought by her contain an official notification of the reception of Mr. Adams by the States General, in quality of Minister Plenipotentiary from the U. States. They also inform Congress that some progress had been made towards a Treaty of amity and commerce between the two Republics; and that in consequence of a contract entered into by Mr. Adams with a Mercantile House for the negotiation of a loan of 5,000,000 of Guilders, upwards of 1 Million and a half had been subscribed, and upwards of 1 Million actually paid in. It was uncertain however to what amount the subscriptions would be continued.³

On Friday last two large French frigates with supplies of money etc. for the French army, and despatches for Congress and the French Minister, came into Delaware bay. Having no pilots on board, they got into a wrong channel, and proceeded in it till the appearance of a Superior enemy below rendered it impossible to return into the right one. In this perplexity they pushed forward and attempted to force their passage with the aid of the tide over the shoal which obstructed it. In the attempt one of them was successful and has since got up safe to Chester. The other stuck and was lost. The money etc. and despatches on board her were fortunately saved. It is said that the Capt. and crew have fallen into the hands of the Enemy. The despatches being not yet come up, we can say nothing of their contents.⁴

[P. S.] The post is not yet come in from the Southward.

621. JAMES MADISON TO EDMUND RANDOLPH.¹

PHILADA., Sepr. [17?] 1782.²

My dear Sir,

My letters by a private hand subsequent to the last post have anticipated the chief intelligence from Holland which I had allotted for the post of this week.³ I have however one important article which at that date lay under an injunction of secrecy which has been since taken off.⁴ . . .

³ See nos. 613-616, 618, *ante*, 621, 622, *post*. According to Robert R. Livingston Adams's letters were of dates from Apr. 19 to July 5. Probably most, if not all, of those of intermediate dates were received at this time. They are: Apr. 19, 23 (two), May 2, 16, June 9, 14, 15, July 5 (two)—found in Wharton, *Rev. Dipl. Corr.*, V. 315, 325, 326, 392, 420, 482, 493, 495, 594, 595. See Livingston's letters to the President of Congress and others, Sept. 11-15, *ibid.*, pp. 716-730.

⁴ Essentially the same account is in Madison's letter to Randolph (no. 621, *post*). In the delegates' letter of Sept. 24 (no. 630, *post*) it is stated that the British had floated the vessel that stuck, capturing a large quantity of merchandise.

[621]¹ Library of Congress, Madison Papers, vol. I.; *Writings*, I. 234; *Papers*, I. 170.

² The first part of this letter may have been written on the 16th, as an addition (see no. 620, note 4, *post*) bears the date September 17.

³ These were two letters of Sept. 11, summarizing despatches just received from John Adams. They are in *Madison Papers*, I. 168; the second is also in *Writings*, I. 233. See no. 620, note 3, *ante*.

⁴ Madison here summarizes Adams's contract for a loan, mentions the stipulation that it was to be ratified by Congress, and states that Congress had ratified the contract accordingly on Saturday, Sept. 14. See the *Journals*, Sept. 14, 16.

In addition to the preceding fund Congress have been led by a [despair of supplies from the States to sue] for a [further loan of four million dollars] for the [service of the] ensuing and [the deficiencies of the present, Years.] This [demand will be addressed] in the first instance to [the court of France. In case of miscarriage there, an experiment] will be made on the [liberality of our new friends.] ⁵

The Legislature of Rhode Island has broke up without acceding to the impost of 5 per ct. Congress have apportioned 1,200,000 Dollars on the States for the payment of interest to the public creditors. Virga. is rated somewhat lower in this requisition than in the last; not however without complaints from some quarters. On these subjects you will have full information from Mr. Lee, who will set off in a few days he says for Virga. in order to be at the October Session. . . .

622. THE SOUTH CAROLINA DELEGATES TO THE GOVERNOR OF
SOUTH CAROLINA (JOHN MATHEWS).¹

September 17th 1782.

Sir:

For fear of Delay or Miscarriage, we have thought it necessary to forward to your Excellency by Mr. Heyward the above Duplicate of our Letter sent some Days ago by an Officer going to New London in Virginia, thence to be dispatched to you by Express.²

We have various Reports from New York, some of which give us hopes of an intended Evacuation—we are anxious to hear of that of C. Town, and wish to have it confirmed by Capt. Joiner whom we daily look for: The *Carolina* is moved down the river, and apparently will soon have a Crew—The Commodore ³ will, we doubt not, acquaint you with particulars respecting her. We have inclosed the Newspapers, and have nothing farther to add than that we are

Your excellency's Most Obedt. Servants,

623. ARTHUR MIDDLETON TO EDWARD RUTLEDGE.¹

PHILADELPHIA, Sept. 17th 1782.

My dear Rutledge,

By my friend Heyward I embrace an Opportunity of acknowledging the receipt of your favour by Mr. Sansum with many Thanks for the good Intelligence contained therein, and not without hopes that the flattering prospect of an Evacuation will have taken full Effect before this reached you.²

⁵ See the *Journals*, Sept. 14. Words in square brackets are in cipher (official).

[622]¹ *S. C. Hist. and Geneal. Mag.*, XXVII. 25.

² No. 612, *ante*. See also no. 623, *post*. Omitted passages relate to the letters from Adams, peace negotiations, etc., and the stranding of the two French frigates. See nos. 620, 621, *ante*.

³ Commodore Alexander Gillon.

[623]¹ *S. C. Hist. and Geneal. Mag.*, XXVII. 23.

² The letter referred to is no doubt that dated "Aug. 1782", *ibid.*, p. 20. See no. 622, *ante*. In the passage omitted Middleton offers his congratulations on the "Belgic Declaration" (the acknowledgement by the Dutch government of the independence of the United States), and comments upon it.

The Alterations in the British Cabinet may perhaps retard the Advances towards a general Pacification, But I flatter myself their present Delirium will soon have a Crisis, and they will once more come to their sober senses; one thing to me is next to certain, which is, that unless they close very soon, and be content to pocket their hopes and their Infamy the Price of Wickedness a *Carte blanche* will be the Consequence, and that once formidable and glorious People be sunk to the lowest pitch of weakness and Contempt; were I to turn Prophet, I should not think much of hazarding a Prediction of the National Bankruptcy, the absolute separation of Ireland, probably that of Scotland and to crown the whole the Expulsion of the present Evil race of Geese Drivers,³ and all the Curses attendant upon those wars vulgarly called civil which lead to and are consequent of an entire Revolution in Governments—I am serious and write from reflexion.

624. JOHN TAYLOR GILMAN TO THE PRESIDENT OF NEW HAMPSHIRE
(MESHECH WEARE).¹

PHILADA. Sepr. 18th 1782.

Sir,

. . . . By Letters from France of 29th June it appears probable that the Enemy Intended to proceed in a general Negotiation for Peace, but that they had altered their Tone in Consequence of their success in the W. Indies and accomodation of their affairs in Ireland. But Still their is some probability that Negotiations may be again on Foot. . . .

Dr. Franklin agreed to Liberate Lord Cornwallis from his Parole in Consequence of Mr. Laurens being released, but Expressly made this Liberation Subject to the Approbation or Disapprobation of Congress, what they will determine I cannot Say.²

The Councils of our Enemy must be greatly divided, their Finances at a Low Ebb, and I really Hope as they have been Blundering for many Years, they will soon Stumble upon that which appears to be their only true Interest *Viz.* Seriously Endeavour to obtain a General Peace; If they are Determined to have Thirteen States under their Subjection, they may as well seek for them in the Moon, as Endeavour to regain these United States.

625. JOHN RUTLEDGE TO NATHANAEL GREENE.¹

PHILADA. Sep. 18 1782.

D'r Sir,

. . . . You will receive, by this opportunity, a duplicate of the resolves of Congress, passed abt. the ² Instt., relative to the Southern Army.

³ "The House of Hanover. A 'goose herd' is considered one of the most humble employments in Germany." Note in *S. C. Hist. and Geneal. Mag.*

[624]¹ Mass. Hist. Soc., C 81 B 92.

² See Franklin to Livingston, June 25, 28, 29 (Wharton, *Rev. Dipl. Corr.*, V. 510, 525, 533), and the *Journals*, Sept. 16, 25, 26, Oct. 16, Nov. 22, 25, 26; also Madison's Notes of Debates, Nov. 22, 25 (*Journals*, XXIII. 852, 854), and no. 693, *post.* Cf. no. 617, *ante.*

[625]¹ William L. Clements Library, Greene Papers.

² The reference is to the resolves of Sept. 9, which were drawn by Rutledge.

It appeared to some of the Committee, that the most effectual Way of protecting Georgia and So. Carolina might, perhaps be, by sending a Force into E. Florida, but, as that wd. be operating out of the U: States, and you might not think yourself at Liberty to do so with't special Leave, therefore the last Clause in the Resolves was added. I hope the Commander in Chief will give you a discretionary power of retaining such part of the Army as you think necessary for the Southern States. Being on the Spot, and fully acquainted with all Circumstances, you can judge, better than any one else, of that Point—and I wish that the Part so retained may not be inconsiderable; the Southern Army could not get here to do any Service this Campaign. if wanted for the next, they wd. arrive in Time, tho' they shd. not leave Carolina for several Months; and that State and Georgia will be exposed to great and imminent danger (if the Army is removed) whilst the Enemy have such a Force, of Regulars and Tories, in E. Florida, as at present.

I think there can be no danger that an Attempt to make a Coolness between you and the Governor will succeed. I am sure you will give no Cause for it, and he cannot be persuaded of the contrary.

I never heard of the Matter you mention, respecting your Letter, of March last, to Congress. If such a Matter really happen'd, it must have been when I was in Virginia (Whither I went, on some publick Business, by desire of Congress, soon after my Arrival here.) However, it is not improbable, for People don't like to be told of their Faults.³ . . .

626. CHARLES THOMSON, NOTES OF DEBATES.¹

[September 19, 20, 1782.]

September 19th.

The house having under consideration the report of a Committee respecting the Commissioners or allowance to be granted to the late Jos. Trumbull, Com'ry Genl. for his services.²

Mr. Madison arose and informed the house that since the passing the resolutions of the 17th, he had come to the knowledge of a fact, which he wished to lay before Congress and on which he meant to ground a motion; and as it did not admit of delay, the vessel that would carry those resolutions being on the point of sailing he wished the present business might be postponed and accordingly made a motion to that effect. This being agreed to, he then proceeded to inform Congress that he had a great respect for the character of Mr. Laurens and entertained a high opinion of his abilities and integrity, and had therefore given his hearty concurrence and assent to the resolutions which passed on the 17th. But that since that time he had come to the knowledge of some matters, which

³ On Apr. 20 a committee made an extended report on a letter from General Greene dated Mar. 11. Rutledge was then absent. With regard to the change of attitude toward Greene on the part of Mathews in the summer of 1780 see vol. V., p. 330 n.

[626]¹ N. Y. Hist. Soc., *Collections: Revolutionary Papers*, I. 155.

² See the *Journals*, July 24 (p. 415 n.), Aug. 13, Oct. 1, 28, 1782, and Jan. 23, 1783. The Committee Book records that a second report was brought in Sept. 16 (see the *Journals* under Aug. 13, p. 465 n.), but the *Journals* do not record the consideration of the subject Sept. 19.

induced him to think it would not be proper, at least, for the present, to forward those resolutions or so much of them as respected Mr. Laurens. He would now state those matters to Congress, that they might judge. He had, he said, in his hand a pamphlet printed in London entitled "Parliamentary Register," and containing an account of the debates in the House of Commons from the month of Nov. 1781, to the latter end of Jan'y, 1782, among which were debates on a petition to that house from H. Laurens, a prisoner in the Tower, and that the petition was printed at full length. He then read the debates and the petition; and then observed that though the evidence was not such as would, in a Court of Law, be sufficient to prove that Mr. Laurens had signed and presented such a petition, yet coming from such authority and with such concurring circumstances, it was sufficient to raise doubts in this house, and a strong suspicion that it was genuine. That if Mr. Laurens did actually sign and present such a petition; he had thereby wounded the honor and dignity of the United States in such a manner that he was no longer fit to be entrusted with the character of a public minister, much less to be solicited to continue his services as the negotiator of a peace. He would not undertake to say positively that the petition was genuine, though he must confess that he could not altogether withhold his belief of its authenticity. He repeated again the assurances of his respect and regard for the man, his willingness to draw a veil over this part of his conduct, and to bury it forever in oblivion, but standing in the place he did, and feeling as he did for the honor and dignity of his country, he could not, consistent with his duty, forbear to move, "That the resolution of the 17th day of Sept., 1782, informing Mr. Laurens that his services as a minister plenipotentiary for negotiating a peace cannot be dispensed with by Congress, and so much of the other resolution of the same date as relates to Mr. Laurens, be not transmitted till the farther order of Congress." He would not give so much credit to the publication as thereon to ground a recall, his meaning was only to suspend the effects of a resolution, which he was convinced never would have passed had the matter now before the house been known to Congress. He confessed that if in fact the petition was not genuine a temporary injury would be done to Mr. Laurens' character, and in that case, as soon as the truth should appear, no man would be readier than he should be, by every act in his power, to wipe off the stain and restore his character to its ancient splendor, and therefore would wish that the resolutions of the 17th, as well as that which might now be passed, should remain secret. But when he considered on the other hand in what light the conduct of this Congress would be viewed by, and what effect it might have on the powers of Europe if a man was pressed to continue in such a high confidential trust and office who had prostrated the dignity of his Country, wounded its honour, and as far as in him lay denied its sovereignty and independence, all which must be admitted, if the petition is genuine, he trusted he would stand excused and that the house would agree to his motion.

He then repeated his motion, which was seconded by his colleague, Mr. Jones. The motion being read from the Chair.

Mr. Lee said that no sort of credit should be given to the publication; that he knew the publisher of it to be an infamous person, who would publish anything sent to him that would make his pamphlet sell, and who would ruin the character of any man for five shillings. That for his part he did not believe the petition was genuine. That it was altogether incredible that ever *Mr. Laurens* wrote or signed such a petition. That it was known *Mr. Laurens* was a man of sense, of firmness and of integrity. That the petition which had been read was mean in sentiment and diction, and altogether unworthy a man of sense, that it was wrote in so humiliating a stile that to suppose *Mr. L.* to be the author of it would be to suppose him devoid of all understanding.

Mr. Dyer said he could not believe it to be true. If *Mr. L.* had ever written or signed such a petition he would certainly have taken notice of it in his letter; he would have palliated and excused the action. He would have said that in an unguarded hour when under the pressure of sufferings and reduced by sickness he was prevailed upon to set his hand to such a paper, which he is now sorry for. Nothing of this appears in his letter; no mention is made of such a paper. He cannot think it therefore genuine.

Mr. Jackson is of the same opinion. If he thought it genuine, he would be not for suspending but for recalling him, and passing a severe censure upon him.

Mr. Noble Wimberley Jones believes it is not genuine, thinks it would be cruel to pass a censure, which this wd be, upon a man of such a known and established character as *Mr. Laurens*, even if he did write it, it was not to be wondered at, considering how he was neglected and what he suffered. He should not be condemned unheard.

Mr. Bland spoke against the motion, vilified the publication, said that if notice was taken of such publications no man's character would be safe; it would be easy for our enemies to publish such things of any man and to raise dissentions among us.

Mr. Clymer always understood that the *Parliamentary Register* was a paper of considerable authority. The first publisher, *Almon*, was noted for his attachment to the American cause. He supposed the present publisher, who succeeded him, was actuated by the same principles. It is not to be supposed that he would ruin the character and reputation of his pamphlet by publishing a falsehood which could be so easily detected.

Mr. Lee never heard that the "*Parliamentary Register*" was a paper of any authority. He wished the gentleman had shewn what authority it had. He knew it was an anti-ministerial publication, and supported by the minority for party purposes.

Mr. Madison spoke again, professed the purity of his motives and his regard for *Mr. Laurens'* character; urged the probability of the petition being genuine, and his readiness to make every allowance and excuse for *Mr. L.'s* situation, but still persisted in the opinion that the dignity, honor, and interest of the U. S. required that Congress should agree to the motion.

The question being eagerly called for by those who were opposed to the motion.

Mr. Wright said it was a matter that required deliberation; it was not to be decided in so hasty a manner; that for his part he was determined to have the yeas and nays on the question when put, and he wished to have some farther time to consider the motion, and therefore moved to adjourn, which was seconded and agreed to.

The petition is as follows:³

September 20.

The Journal of yesterday and the dispatches being read, *Mr. Madison* arose and called the attention of the house to the subject of his motion.⁴ The objections started yesterday he observed were grounded chiefly on the want of authenticity, though something had been said of the inoffensiveness of the petition, admitting it to be genuine. He admitted that the proofs he had adduced would not be sufficient to convict a man on a trial for his life; it is possible they might not even be admitted in a court of law; but in matter of policy and in examining the propriety of continuing a person in office, they might be adduced to that house, and would without doubt have due attention paid to them. The publication contains an account of the proceedings and debates in parliament from day to day. It is made at the time and in the place where the transaction passed, and where any misrepresentation might be easily detected. The petition is introduced by a member whose name is mentioned. Debates ensue, the substance of which is given; the speakers named; an order passed and the petition inserted, not in substance but in the very words with the address and the date of time and place, and signed with the name of the petitioner. All these circumstances carry with them such marks of authenticity as can hardly be doubted. With regard to the matter of the petition he thought it unworthy a private citizen of the United States, but coming from a Public Minister vested with so high a character who had been President of that house to whom the representatives of the King of Great Britain had paid homage, and who was then commissioned to represent the Sovereignty of these United States, it was altogether unjustifiable. It was not addressed to the Sovereign but to the Speaker and members of the House of Commons, whose authority we denied and whose usurpations had compelled us to have recourse to arms. This petition is stated not as coming from a citizen of the United States but a native of South Carolina. What is this but indirectly relinquishing the Claim of Independence which we have so solemnly declared and pledged ourselves to maintain at the risque of our lives and fortunes? A denial of his public character and almost a direct submission and return to that allegiance he had abjured in a private citizen—such a step is unwarrantable in a public minister; it is highly culpable. It is no slight matter for a public

³ These proceedings are not recorded in the *Journals* Sept. 19. See however the *Journals*, Sept. 20, Thomson's entry under that date, below, and no. 651, *post*. See also no. 617, *ante*. With regard to Laurens's imprisonment in the tower see Wallace, *Life of Laurens*, pp. 362-389. The petition (here omitted) is at p. 385. See also Laurens's address to Congress Dec. 20, 1781, in Wharton, *Rev. Dipl. Corr.*, V. 67. A discussion of the episode is *ibid.*, I. 582-584.

⁴ See the entry under Sept. 19, above.

minister to deny the Sovereignty of the Country which he is appointed to represent. What then must it be in the petitioner, who had been raised to the highest rank and held the first place in the Sovereign Assembly of these U. S.? The manner in which this is acknowledged—"some time recognized by the British Com's in America by the stile and title of his Excy. H. L., President of Congress"—is too mean and contemptible to deserve animadversion. Let us now examine the Arguments used to induce the house to grant the prayer of the petitioner: "Your Representor for many years at the peril of his life and fortune ardently labored to preserve and strengthen the ancient friendship between G. B. and the colonies, and in no instance ever excited on either side the dissensions which separated them." Is not this almost in direct terms condemning the measures taken by his Country to maintain and defend their rights, "in opposing which he risked his life and fortune?" To suppose he alluded to an opposition to the measures of Britain would be to suppose him guilty of the most manifest absurdity, and to insult the house to which he most respectfully prefers his humble petition. But the two following paragraphs puts it beyond all doubt in what manner he wished to be understood. "The commencement of the present war was a subject of great grief to him, in as much as he foresaw and foretold in letters now extant the distresses which both countries experience at this day." "In the rise and progress of the War he extended every act of kindness in his power to persons called loyalists and quietists as well as to British prisoners of War, very ample proofs of which he can produce." These are arguments addressed to the justice of the house to induce them on account of his merits to grant him an enlargement from his confinement. The arguments which follow, drawn from his ill state of health and sufferings in prison, are addressed to their humanity but the humility and tenor of the prayer, considering the character of the person who prefers it, deserves particular attention: "Therefore your Representer humbly prays your honors will condescend to take his case into consideration, and under proper conditions and restrictions grant him enlargement or such other relief as to the wisdom and benignity of your honors shall seem fitting." Taking it then for granted that the petition was genuine, or admitting a probability or even a possibility of its being genuine, he submitted it to the wisdom and candor of the house whether it would not be proper to suspend the forwarding the resolution of the 17th, and to agree to his motion. However if any gentleman had any doubts or thought his motion too strongly pointed against Mr. Laurens, he had no objection against altering it so that the end he had in view might be attained. And therefore he would consent to vary it so as to take in both the resolutions passed on the 17th and leave Mr. L's name out of the motion.

Mr. J. Jones said he seconded the motion as it was made yesterday. The motion was then read from the Chair in the words in which it was yesterday expressed, whereupon

Mr. Rutledge arose, and after a short exordium, in which he expressed the delicacy of his situation and his feelings from an apprehension that what he might offer on the occasion might be attributed to an attachment

to Mr. Laurens on account of his coming from the same State, and assured the house that his judgment was not biased by any personal attachments or local prejudices, but influenced solely by what he thought just and right, he entered on the subject, which he said he would consider in two points of view :

1. With respect to the authenticity or genuineness of the petition, he said he would shew that no regard ought to be paid to the publication, and that there were the strongest arguments to believe that the petition there quoted was not genuine.

2. But even granting that it was genuine, there was nothing contained in it to warrant the present motion.

It was, he said, well known that the " Parliamentary Register " was a party paper set on foot by those who were in opposition to the late Ministry, and calculated to support the measures of the minority. Little regard was therefore to be paid to it. Even the bringing forward this petition, and the supporting it as mentioned in the publication, was not done with a view to serve or relieve Mr. L., for they only move that it lie on the table, but solely with a design to embarrass and perplex the Ministry. Who can say that the petition was not fabricated by them for that purpose? For his part he thought it highly probable that it was. It is possible they might have induced Mr. Oswald, the friend of Mr. L., to concur in the measure, and he might have persuaded Mr. L., in the low condition in which he was, to give his consent, or not to oppose it; but would this make it Mr. L's petition? Surely no.

But suppose Mr. L. actually wrote, signed, and sent in the petition as quoted. What is there contained in it which can give such mighty offence? It is true he does not say that he is a citizen of the free and independent States of America, that he ought to be considered as a prisoner of war, that they had no right to keep him confined in the tower as a State prisoner. This, he said, would be fine, high-sounding language. But he wondered whether any person here present would use it in the condition Mr. L. was. He was committed to the Tower when he was dangerously ill, confined there upwards of fourteen months, deprived of visits of his relatives and friends, and even denied common sustenance. There is a servant of his now in town who declares that to his knowledge he was five days without any other victuals than one fowl. It appears that the Ministry wanted to starve him to death. Then there would have been an end of him. All this time he finds himself neglected by his Country and their servants who ought to have exerted themselves for his relief. He had applied to the British Ministry, but to no purpose. What was he to do? Was he to submit to his fate and die in prison, without making this effort to regain his freedom, and be again in the way of serving his Country? Surely no; it could not be expected. There was a prospect of obtaining relief from the House of Commons. He applies. The tenor of the petition was such as not to give offence, and was calculated to obtain what he wanted. In this view it is proper, and warranted by former proceedings of Congress. Here he instanced the different language held by Congress with regard to the Roman Catholic Religion in the address to the people of G. Britain, and that to the inhabitants of Canada. He

then proceeded to observe that the representation or petition declared that it came from H. L., who had been President of Congress; that he had laboured to strengthen and preserve the ancient friendship between G. B. and the Colonies. This, he supposed, alluded to his conduct before the Declaration of Independence, and he appealed to the recollection of Members whether Congress had not expressed themselves in still stronger terms in their petition to the King and address to the people of Great Britain. That the commencement of the war was a subject of grief to him might be very true; it was the same to many who are now firm friends to Independence. That he foresaw and foretold the distresses which both Countries experience at this day only proves that he was a better prophet than others. As to what is mentioned in the next paragraph, "that he extended every act of kindness in his power to persons called loyalists and quietists," though he did not think it a matter to boast of, as he abominated the characters there described, and believed he should never have subscribed his name to such a paragraph, yet he would not therefore condemn Mr. L., as he was sure that Mr. L. referred to his private not to his public conduct. He had acted with him in public office, and he never saw a disposition in him to show any improper indulgence to the enemies of his Country. But as he was a man of wealth it is not improbable he might have extended acts of benevolence and charity to the persons mentioned.

Upon the whole he saw nothing criminal in the petition, nothing that would warrant Congress in passing so heavy a censure on him as the present motion carried with it. He believed him to be a man of sense, well attached to the Liberty of his Country, and who would be very useful in a negotiation for a peace. He thought him worthy of trust, and could with great confidence commit to him the interest of his Country, and therefore would give his negative to the motion.

Mr. Howell wished to be informed whether the facts mentioned in the petition were true, namely: whether he had in the beginning of the contest acted in such a manner as to endanger his life and fortune, and whether he had distinguished himself by acts of kindness to tories and prisoners. Those who came from the same State could ascertain this, and the ascertaining the truth or falsehood of what is set forth in the petition would greatly influence his judgment.

Mr. Clark firmly believed that the petition was genuine. He did not think there was a member on the floor who doubted it. But it was not that which influenced him. Mr. L. had been appointed to an office which he has declined to execute. He no doubt had his reasons; he may have entered into engagement with the Brit. Ministry that rendered it improper to execute the office. For his part he did not know what his reasons were, but whatever they were he was not for ramming his Commission down his throat. If he had been present he should have voted against the resolution of the 17th and would now vote for the motion.

Mr. Dyer spoke long, and expressed his good opinion of Mr. L.

Mr. Jackson. Does not know Mr. L., but has heard a good character of him. He does not believe that the petition is authentic. He thinks it very improbable.

Mr. Bland spoke against the author or authors of the publication. If such pieces were attended to it would be very easy for our enemies to blast the character of the best men in America, and to sow dissensions among us. Things had been published in English papers and pamphlets unfavorable to the character of some who were now members of Congress. But Congress did not think them worthy of notice, and he did not see why they should take any notice of this.

Mr. McKean went into a large encomium on *Mr. L.* He saw nothing criminal in the petition, nothing that affected the heart. He was inclined to believe it might be genuine. He had always considered the *Parliamentary Register* as a publication worthy of credit. He knew the original author was a friend to America, and that the paper was begun and undertaken at the instance of forty gentlemen opposed to the British Ministry and friends to America, and who supported it by annual subscriptions. He supposed it was still conducted under the same influence, and that it stated facts truly. But from his knowledge of *Mr. L.* and of the high opinion he had of his integrity and abilities he thought him worthy of trust, and who would be very useful in the negotiation for peace, and therefore must vote against the motion.

Mr. Williamson and *Mr. Lee* both spoke against the publication.

Mr. Rutledge animadverted with great warmth on *Mr. Clark's* observation, "that *Mr. L.* may have entered into engagement with the British Ministry," and in a very loud tone of voice asked, does the member know he has entered into such engagements? If he does, let him produce his proofs. He does not understand this mode of — (*illegible*) character by surmises. The character of persons in high offices of trust and confidence, and especially of public ministers ought to be sacred and not trifled with in that manner. The gentleman said he did not think there was a member on the floor who doubted the genuineness of the petition. He did not understand such expressions. For his part he very much doubted—nay, he believed it was not genuine, and several others were of the same opinion.

Mr. Lee and *Mr. Dyer* again spoke in favor of *Mr. L.*

Mr. Jackson thought if the motion passed that it ought to have a preamble, and therefore he moved to affix a preamble stating that *Whereas*, that it appears *Mr. L.* presented such a petition. This brought on a new debate, or rather a conversation, and it being intimated that if the preamble was insisted on the yeas and nays would be called on the question, the preamble was withdrawn. At length the question was called, and the yeas and nays being required by *Mr. Wright* on the question to agree to the motion. . . . So the motion was lost.⁵

627. WILLIAM ELLERY TO NATHAN MILLER.¹

NEWPORT, Sep. 21, 1782.

Since my return from Philadelphia I have been informed that the Hon'ble David Mowrey [Daniel Mowry] had told you that I was an

⁵ The yeas and nays, which are in the *Journals*, are here omitted.

[627]¹ From the collection of the late James H. Manning of Albany, New York (addressed, "Genl. Miller, Warren"); Henkels, *Catalogue*, no. 1074, item 9.

enemy to Genl. Washington, and in proof of his assertion said that, upon a question in Congress, whether Genl. Washington or Genl. Gates should be Commander in chief of the armies of the United States, I had voted for Genl. Gates, or words to that purpose, and that he had seen the vote in the journals of Congress, or had a copy of it at his house.

As by a report of this sort my character hath been sensibly affected in this State, I am determined to call upon Mr. Mowrey for an explanation of his conduct in this instance; and in order to do it with propriety I wish to know from you the expressions he made use of as exactly as you can recollect them.

I am encouraged to expect this favour from you, Sir, because they are naturally and strongly disposed to assist others in vindicating their injured reputations, who have a proper sense of true honour themselves.²

I am, Sir, your most h'ble servant

WILLIAM ELLERY.

628. THE NEW YORK DELEGATES TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

PHILADELPHIA Sept. 21, 1782.

S'r,

We have been honoured with your Dispatches of the 16th Instant relative to the violent Outrages committed by Ethan Allen and others on the peaceable Inhabitants of our State residing on the New Hampshire Grants. Congress having adjourned on Fryday until Munday, we have had no opportunity, with any kind of Propriety, to lay the Information before them, but shall do it before any other Business is taken up on Munday Morning. As in all Probability the Papers will be committed and it may be some Days before any thing finally is determined on, we thought it unnecessary to Detain Barckley, especially as he is anxious to return as soon as possible.²

This New and unexpected Violence, offered, in direct Opposition to the Recommendations of Congress, to those peaceable Citizens who have always strictly adhered to the same, and the dangerous Consequences which may ensue from such evil Examples, will we trust induce Congress immediately to interpose and exert their Authority for the Releif and

² In the Emmet Collection (Misc. MSS.) is part of a draft of a letter (4 pages), dated "Newport July, 1782", from Ellery to an unnamed correspondent upbraiding him for remarks of the character here attributed to Daniel Mowry. The draft is marked (in pencil) "Ellery to Howell", but the letter was evidently to Mowry, not to Howell. This is borne out not only by this letter from Ellery to Miller, but also by Howell's letter to Ellery, Aug. 10 (no. 587, *ante*). It is of course possible that the letter of July was never sent; yet Howell's letter reveals that Ellery had spoken of the matter to him in a letter of July 6. The inference from this letter from Ellery to Miller is that the call upon Mowry for an explanation had not yet been made.

[628]¹ N. Y. State Lib., Clinton Papers, no. 4773 (in the writing of L'Hommedieu, except the complimentary close and Duane's signature, which are in the latter's writing; addressed, "His Excellency George Clinton Esquire Governor of the State of New York Poughkeepsie").

² See the *Journals*, Sept. 23 (p. 596 n.), and nos. 629, 632, 644, 645, *post*; see also nos. 508, 509, 514, 576, 578, *ante*.

Protection of those unhappy People, our Fellow Citizens, now made Prisoners by a lawless Power.

Your Excellency may rest Assured that we shall exert ourselves to the utmost for their Relief, and that Measures may be Adopted for the future Protection of the Adherents to our State who reside in that District of Country.

There are not so many States at present in favour of the Independence of Vermont as there were last Year and altho a Majority of the States present are opposed to it, yet it is very doubtful if any Decision can now be obtained on the controversy submitted to Congress conformable to their Act of the [24th] of Sept. 1779. We shall however attempt it, if we can find there is the least probability of Success.

Our Act of the Legislature for quieting the minds of the Inhabitants in the Northeastern Parts of the State⁸ has had a good Effect, and we have reason to believe if the Disputes about the Cessions of the back Lands belonging or claimed by the southern States are settled, few or none of the States in the union will interest themselves in favour of the Vermont Independence.

we shall give your Excellency the earliest Intelligence of any Determination Congress shall make on the Communications we have been honoured with.

We have nothing new since the Secretary of foreign Affairs left this Place. he will give you a more particular Information of our Intelligence from Europe than we are able to do by writing.

We have the Honour to be, with the utmost Respect, Sir

Your Excellency's most Obedient and very humble Servants

JAS. DUANE
EZRA L'HOMMEDIEU.

629. JAMES DUANE TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

PHILADELPHIA 21st Sept. 1782.

Dear Sir,

Your Excellency's dispatches by Barclay came safe to hand and claim our serious Attention. Yesterday they would have been communicated had not an unexpected Business employed Congress to a late Hour and rendered it impracticable. Every Saturday being assigned for the Grand-committee "on the Publick Credit" Congress adjourned till Monday. This unavoidable Delay induces us to dispatch Barclay and trust to some other Conveyance to transmit the Result of the Information with which you have been pleased to furnish us. Barclay's apprehension that his money would not hold out, and the dilatory progress of every Measure which respects Vermont, gave us no Choice on this Occasion. If it was not for the distresses of our Friends I should not be sorry, that this Commotion has taken place, especially as Ethan Allen is the author of it.

⁸ The act is found in the *Journals*, under May 21. See nos. 508, 514, *ante*. [629]¹ N. Y. State Lib., Clinton Papers, no. 4772 (extract).

His character is well known and odious, and there cannot be a plainer Omen of the sinking Cause of Vermont than that it is committed to his Management. What will be the Opinion of Congress it is difficult to determine. If Jersey and Pensylvania have changed their Sentiments something may be done to the purpose. I do not so far despair of Maryland as to believe she will persist in an Error which has been injurious to her best Friend. But I travel in the wide Field of Conjecture; and a few days may convince me that I have made a false Estimate. This is all I think necessary to add to our Publick Letter which Mr. Lhommedieu prepared whilst I was at the Grand committee.²

I beg you to believe me to be always, with the truest Regard and Affection.

630. THE VIRGINIA DELEGATES TO THE GOVERNOR OF VIRGINIA
(BENJAMIN HARRISON).¹

PHILADA. Sepr. 24th, 1782.

Sir,

Yesterday's post brought us no letter from your Excellency. That of the 5th instant which had not arrived at the date of our last was received a few days after.²

By the two Frigates mentioned in our last,³ Congress have received letters from Doc'r Franklin and Mr. Jay who were at Versailles, dated the 25 and 29 of June. The Sum of the intelligence which they bring concerning negociations for peace is that the Sincerity manifested at one period by the Court of London in her advances towards a pacification had been succeeded by an apparent design to draw the negociations into length with a hope of such further advantages during the campaign as would enable her to rise in her demands. Some communications which have been made to Congress by the French Minister present the same idea.⁴

The loss sustained in the French Frigate which had got aground in Delaware bay, proves to be greater than was first reported. The enemy have succeeded in their attempts to float her, and have taken in her besides a considerable quantity of Merchandise 50,000 dollars.

² See no. 628, *ante*.

[630]¹ Copied from the original, then in the possession of Mr. Stan. V. Henkels of Philadelphia; *Cal. Va. State Papers*, III. 325.

² A brief letter of Sept. 6 is in *Official Letters*, III. 320.

³ See no. 620, note 3, *ante*.

⁴ The letters of Franklin and Jay appear to have been read in Congress Sept. 18. The letter from Franklin to the superintendent of finance, mentioned in the *Journals*, p. 591, as of June 15, was evidently the letter to Morris June 25 (Wharton, *Rev. Dipl. Corr.*, V. 513). Franklin's letter of June 25 to Livingston is *ibid.*, p. 510, Jay's of June 25 is *ibid.*, p. 516, Franklin's of June 29 is *ibid.*, p. 533 (the same letter, dated June 28, is *ibid.*, p. 525). A letter from Jay to Livingston June 28 is *ibid.*, p. 527. See also Franklin's Journal, Mar. 21-July 1, *ibid.*, pp. 535-585. The communications from the French minister to Congress are in the *Journals*, Sept. 23, 24.

A letter from Robert Morris to Franklin, dated Sept. 28, suggests that, in connection with these proceedings in Congress, Arthur Lee must have thrown out aspersions against Franklin. The original letter (enciphered) is in the Library of Congress, Franklin Papers. A printed text is in N. Y. Hist. Soc., *Collections: Revolutionary Papers*, I. 483, and in Wharton, *Rev. Dipl. Corr.*, V. 779 (said to have been taken from a translation in the writing of Gouverneur Morris). The Gouverneur Morris translation was at one time in possession of Mr. Stan. V. Henkels of Philadelphia. See no. 599, *ante*, and no. 642, *post*.

The paper No. 1 herewith inclosed, being an Extract of a letter from Docr. Franklin to the Superintendant of Finance will inform your Excellency of some further tokens of Friendship which the United States have received from their ally.

The paper No. 2, contains an answer from Congress to the Resolution of the Assembly of the 2d of July last.⁵

We have the honor to be with great esteem

Yr. Excly's Obt. Hble Servants

J MADISON JR.

JOS. JONES

A. LEE

THEO'K BLAND JR.

631. JAMES MADISON TO EDMUND RANDOLPH.¹

PHILADA. Sepr. 24th 1782.

My dear Sir,

. . . . Our Ally has added another important link to the chain of benefits by which this Country is bound to France. He has remitted to us all the interest which he has paid for us, or was due to him on loans to us, together with all the charges attending the Holland loan, and has moreover postponed the demand of the principal till one year after the war, and agreed to receive it then in twelve successive annual payments. These concessions amount to a very considerable reduction of the liquidated debt.² The fresh and large [demand which we are about to make on him, will I fear, be thought an unfit return for such favors.] It could not however be avoided. [The arrears to the army in January next] will be upwards of [six million dollars. Taxes] cannot be [relied on.] Without money there is some reason to surmise that it may be [as difficult to disband an army as it has been to raise an army.]

My last informed you that Mr. [Laurens] had [declined serving in the] commission [for peace. His proceedings during his captivity as stated by himself,] are far [from unexceptionable: Congress nevertheless were prevailed upon to assent to a resolution informing him that his services could not be dispensed with. A few days after this resolution had] passed. several [numbers of the *Parliamentary Register*] were [received at the Office of Foreign Affairs, in one of which was published the enclosed petition. The petition] was [introduced] by Mr. [Burke], was a [subject of some debate, and] finally [ordered to lie on the table. The extreme im]propriety [of a representative of the U. S. addressing] that [very authority against which they had made war with the pusilanimous and almost penitential language of the address] determined [Mr. Jones and

⁵ See the *Journals*, Sept. 18. Enclosure no. 1 was an extract of Franklin's letter to Morris June 25, mentioned in note 4, above.

[631]¹ Library of Congress, Madison Papers, Ac. 1081; Harvard Univ. Lib., Sparks MSS., no. 52, vol. III., p. 371 (extract); *Writings*, I. 238; *Papers*, I. 173.

² See Franklin's letter to Morris June 25 (Wharton, *Rev. Dipl. Corr.*, V. 513), and the *Journals*, Sept. 23. Words in square brackets in the passages which follow are written in cipher (official).

myself] to [move] that [the resolution above] referred to should [not be transmitted until the further order of Congress. In] support [of the motion it was observed], that however [venial the fault] might [be in a private view], it evidently rendered [Mr. Laurens no longer a fit depository for the public dignity and rights] which [he had so far degraded, and] that if [Congress should reinstate him] against [his own desire and with] this [fact before their eyes] it would seem as if they meant [to ratify instead of disowning the degradation.]

The [motion was opposed on two grounds] first that [the character of Mr. Laurens and the silence of his letter over-balanced the testimony of the *Register* and] rendered [the fact incredible;] 2dly, that [the fact altho' faulty ought to have no influence on the public] arrangements. The first [objection was the prevailing one]. The second was [abetted by but few]. Several professed [a readiness to renounce their friend in] case [the] authenticity [of the paper should be verified]. On the [question there were five noes three ays two divided two half votes ay.] The [petition] had been [published some time ago at New York and] had [made some noise in New Jersey but] was ultimately [regarded as spurious]. There are so many [circumstances relating to this gentleman during his captivity] which [speak a bias towards the British nation and an undue cordiality with its new leaders] that [I dread his participation in the work of peace].³

As some of Mr. L's friends strenuously maintain that the Petition inclosed is spurious, I would not wish it to be made public through me, untill the matter be ascertained, or he be present to explain it.⁴

632. JOHN TAYLOR GILMAN TO THE PRESIDENT OF NEW HAMPSHIRE
(MESHECH WEARE).¹

PHILADA. Sept. 25th 1782.

Sir,

. . . . I am Just informed that the Tax agreed to by Congress for the discharge of Interest on Our Domestic Debts, has been forwarded to the several States, as I Supposed the Business Incomplete, as to time of Payment etc. I did not Expect it would have been forwarded so soon. You will Observe that the Proportion set to New Hampshire is not so High as the last proportion was, but it is my fixed Opinion that it is much more than it ought to be.²

³ See nos. 617, 621, 626, *ante*, 658, 693, *post*.

⁴ Following Madison's letter is a copy of Laurens's petition of Dec. 1, 1781, in the margin of which Madison has written (partly in cipher): "I am informed that [at the time of the Stamp Act his House was beset by a mob] in consequence of his known heterodoxy." In the same volume of Madison Papers is a second copy (in his own hand) of the passage relating to Laurens, as also a second copy of the petition. The petition is printed in the *Madison Papers*, I. 177. See no. 626, note 3, *ante*.

[632]¹ N. H. Hist. Soc., Weare Papers, XI. 55.

² See the *Journals*, Sept. 4, 10, 18, and no. 618, *ante*. The New Hampshire quota in the apportionment of Sept. 10 was 4 per cent. In the apportionment of Nov. 2, 1781, it was (approximately) 4.67 per cent. Cf. nos. 455, 467, 478, 483, *ante*, and nos. 652, 655, 658, 666, *post*.

an Express arrived here few days Since, from the Governor of the State of New-York, to the Delegates of that State, Informing that a Number of Persons on the West Side of Connecticut River had been made Prisoners by the authority of Vermont, and Inclosed Some Depositions Respecting this matter. You are Undoubtedly Informed of the Transactions there so that I need not be particular. these Papers are now under the Consideration of a Committee, what will be Concluded on I cannot Say.³

633. ABRAHAM CLARK TO THE SPEAKER OF THE NEW JERSEY ASSEMBLY
(JOHN MEHELM).¹

PHILADA. Sept. 26th, 1782.

Sir,

. . . . I must also take the liberty of mentioning a matter which greatly embarrasses Congress—I mean that relative to the half pay of officers; This was engaged by Congress previous to the final ratification of the Confederation, but not agreed to by the Number of States as became Necessary for such a measure after that event took place: The New England States positively refuse a compliance; the Delegates of New Jersey are also restrained by the sense of our Legislature long since expressed: five States are Sufficient to prevent any appropriation of money for that purpose which requires the concurrence of Nine states. In this affair the disagreeing States do not mean to commit such a breach of publick faith as to deprive the Officers of their just dues, all desired is, that the Officers may be referred to their respective States to receive their half pay, or such other compensation as the Legislatures may judge proper, without making the same a Continental Charge—each state taking upon themselves the Satisfying their own Officers. this will be just in many respects, and I believe will give Satisfaction to the officers, for it cannot be supposed the Legislatures will refuse justice to their own Citizens; and by this measure they can secure the application of their own money. States which have been Multiplying their Officers, and send little or no money into the publick Treasury, wishing to draw pensions for their Citizens from other States, will of course be Opposed to this measure.

This subject I hope will be duly considered by the Legislature, and their opinion thereon communicated to their delegates.²

The representation of the Legislature brought by Col. Ellis was presented this morning and referred to the superintend't of finance who I have requested to consider and report thereon as soon as possible.

³ See nos. 628, 629, *ante*.

[633]¹ N. J. State Lib.; Harvard Univ. Lib., Sparks MSS., XXXVI. 333; *N. J. Rev. Corr.*, p. 324.

² The half-pay measure was adopted by Congress on May 15, 1778. For proceedings upon it in 1778 and subsequently consult the index to the *Journals*. See also these *Letters*, vols. III.-V.; cf. nos. 691, 698, 710, *post*.

634. THE NEW YORK DELEGATES TO EZEKIEL CORNELL.¹[September —, 1782.]²

We are honoured with your favour of the 16th Instant. A candid Answer to the Questions of Fact which you suggest we conceive to be your Right: and We therefore declare that it has appeared to us that you have uniformly dissented from the half pay Establishment; because it was against the Sense of your own State; and that your Efforts have been pointed to secure a Share of the Western Lands, as they are called, for the common benefit of all the States.

Your Case, Sir, seems to be a Proof that an active Zeal for the common Cause, a long course of publick Services,³ and a high Degree of the Confidence of Congress, will not always protect the best and most useful Friends of their Country from Misrepresentation—for among them we can with the utmost Truth give you a place.

635. THE VIRGINIA DELEGATES TO THE GOVERNOR OF VIRGINIA
(BENJAMIN HARRISON).¹

PHILADA. Oc'r 1, 1782.

Sir,

Your Excellency's favor of the 20th of Sepr. was recd. yesterday. Whatever of curiosity or wonder might be excited by the letter in the post Office addressed to you from S'r G. Carlton with an endorsement by the Commander in chief, we cannot suppose that they had any other object than the views of the Writer, or that they included the Slightest jealousy of your Excellencys patriotism.²

The paper No. 1, herewith inclosed is a copy [of] intelligence transmitted to Congress by Genl. Washington, and leaves us nothing to add under that head.³ No. 2 is an extract from the proceedings of Congress which may throw some light on the probable event of the territorial cessions.⁴

[634]¹ N. Y. Hist. Soc., Duane Papers, V. 488 (draft, in the writing of James Duane).

² The letter is without date but is in reply to the following letter from Cornell, written from Scituate, Rhode Island, Sept. 16, and addressed to "The Hon'le the Delegates of the State of New York":

"I am informed by a letter from the deputy governor of the state to which I have the honor to belong that it was represented in the general assembly of that state at their last Session (much to my injury) that I was for continuing half pay to officers for life and was not of opinion that the back lands should go to and for the benefit of the United States. Your sentiments on my conduct respecting these two Questions will be esteemed as a particular favour." N. Y. Hist. Soc., Duane Papers, V. 484. Respecting the date of this letter see List of Members, under Cornell.

³ Following this the words "close application to business" are erased.

[635]¹ Va. State Lib., Executive Papers (signed by Madison, Jones, and Lee).

² See no. 607, *ante*, and Governor Harrison's letter of Sept. 20, in *Official Letters*, III. 326. The correspondence with Sir Guy Carleton related to the boarding of the sloop *William and John* by a part of the crew of the flag brig *Maria*, Capt. Benjamin Hart, taking prisoner five of the sloop's crew, and sending them to New York. Letters to Carleton respecting the affair are *ibid.*, pp. 239 (May 31), 306 (Aug. 28), and 384 (Nov. 23). Other letters concerning the affair are to General Washington, Commodore James Barron, Capt. Benjamin Hart, and others, *ibid.*, *passim*.

³ The intelligence transmitted by Washington was doubtless that relating to Canada, contained in his letter of Sept. 26. See nos. 638, 648, *post*.

⁴ Doubtless the report of Sept. 25.

The Situation to which we are reduced by the impossibility of negotiating bills on Virginia obliges us to renew our intreaties that some effectual and Speedy steps may be taken for adequate remittances to us. It is unnecessary we are persuaded to multiply words on this Subject to your Excellency who will so readily conceive the cruel distress which must attend a disappointment, and who is so much disposed to obviate it.⁵

636. JOHN TAYLOR GILMAN TO THE PRESIDENT OF NEW HAMPSHIRE
(MESHECH WEARE).¹

PHILADA. Octr. 2d, 1782.

Sir,

. . . . I need not Mention to you that I Shall be highly pleased to have Judge White for a Colleague, my Opinion of his Integrity and firm Attachment to our Common Cause is well known; I only have to wish that he may be as well satisfied on that Head as I am, and that we may be well United in our Sentiments respecting public affairs, while we are together. I hope he will be here soon, but (if he cannot come sooner) hope he will not fail of being here by the first Monday in November; by the Articles of Confederation a New Congress then Meet, a New President is Chosen and some other matters Transacted which I Should be much pleased to have a Voice in, and it is well for every Member who Expects to Spend any Considerable time in Congress to be here at that time. My Letter to you of the 25th Ultio. will Evince how Necessary money is here, hope Judge White will bring me a Considerable Sum. Bank Bills are always paid on Sight, but if those cannot be Obtained and other Notes are Sent me, hope they will be Such as are now due. . . .

637. JOHN TAYLOR GILMAN TO THE PRESIDENT OF NEW HAMPSHIRE
(MESHECH WEARE).¹

PHILADA. Octr. 2d, 1782.

Sir,

I am Honored with yours of the 14th Ultio. in which is Inclosed a Vote of the Hon'ble the Legislature appointing me a Delegate for the Term of One Year from that time. Permit me to Assure you Sir, and through you the Legislature of the State that I have a gratefull Sense of the Honor done me by this repeated mark of their Confidence. I am Likewise informed that the Hon'ble Phillips White Esqr. is appointed a Delegate. Hope he will soon be here as the State has been too long Un-

⁵ Touching earlier importunities of this nature Governor Harrison wrote to the delegates Sept. 28 (*Official Letters*, III. 333): "I wish the members of Congress could be properly impress'd with the distress'd situation of this State with respect to circulating Gold and Silver, if they were they could never make such frequent demands on us for it. They judge us by what they see in the vortex in which they are placed, what little money we had is mostly swallowed up there. I know your necessities are great but let them be what they will they can never force from the people what they have not, and it is extremely dangerous to press them too hard." See Madison's remark to Edmund Randolph in his letter of Oct. 8, *Writings*, I. 243.

[636]¹ Mass. Hist. Soc., C 81 B 95.

[637]¹ Mass. Hist. Soc., C 81 B 95.

represented. I cannot now inform you how long I can remain here, but if Mr. White should come on soon I Shall not leave the State unrepresented, without giving them timely Notice.

. . . . the Conduct of the United Provinces is a great matter in our favour. believe most of the Powers of Europe now look on us as an Independent Nation. Great Britain must come to it, though the full acknowledgment of our Independence and a general Peace under present Circumstances will be a bitter Pill to them.

638. ELIAS BOUDINOT TO LEWIS PINTARD.¹

PHILADELPHIA Octr. 2d, 1782.

My dear Sir,

Yours of the 28th Ultimo was delivered by Martin, but have nothing in Return to give you in the News way, excepting some Intelligence from Canada, that is not yet Public—[*torn*] Heldiman has news of a designed Reinforcement of 3 or 4000 Men from England and 1500 Hessians from New York. That all the Posts in the Upper Country and in Canada are to be reinforced,²

[P. S.] Wednesday 4 oClock—We have news from Genl. Greene of the 29 Augt.

639. RALPH IZARD TO MRS. IZARD.¹

PHILADELPHIA 7th Octr. 1782.

My Dear Wife,

We received a day or two ago Dispatches from South Carolina, by which it appears that the Enemy had embarked all their heavy Artillery at Charles Town, and were waiting for Transports to carry off the Garrison. Nothing will happen, I hope, to make them alter their resolution. About the middle of this Month it is thought they will evacuate the Town, and they will probably go to the West Indies. If they have a sufficient number of Transports, they will carry with them about Twelve Thousand Negroes, which they have now in Charles Town, and which have been stolen in their various expeditions into the Country; in that Number may be reckoned One Hundred and Seventy of mine. They will leave us in a most defenceless condition, by carrying all the Cannon from the Town, and will carry to a very great amount, property belonging to the Citizens of our State. All this might with the greatest ease have been prevented by M. de Grasse. General Washington entreated him, almost to supplication, after the capture of Lord Cornwallis, to go with him to Charles Town: but his entreaties were in vain, and our Country has in consequence, been almost ruined. I can never think of this affair without the deepest sorrow, and astonishment. The Enemy made an excursion from Charles Town to collect Rice, and other provisions on

[638]¹ Hist. Soc. of Pa., Boudinot Papers, II. 105.

² See no. 635, *ante*, the *Journals*, Oct. 11, and no. 648, *post*.

[639]¹ N. Y. Pub. Lib., Misc. MSS., Izard.

the 27th of August. General Greene's Light Infantry attacked them, and unfortunately Lieut't Colonel Laurens was killed. He certainly was a most excellent Officer, and his loss will be severely felt. I pity his Father exceedingly: he has already had more than sufficient number of misfortunes to contend with. He has written to Congress that he declines serving as a Commissioner for negotiating Peace; and he is expected in America this Winter. . . .

640. JONATHAN ARNOLD TO THE GOVERNOR OF RHODE ISLAND
(WILLIAM GREENE).¹

PHILADELPHIA, Oct. 8th, 1782.

Sir:

I have the honor to inform you that I arrived in this city the 5th Instant, since which Congress having been engaged on business by Committees, and interrupted by the City Election, I have not gained such acquaintance with the public measures now pursuing, as enables me to give useful information. . . .

641. DANIEL CARROLL TO DANIEL OF ST. THOMAS JENIFER.¹

PH'A Octr. 8th, 1782.

Dear Sir,

. . . . The report on the Cession has not yet been taken up. a vote was lately taken on some general propositions on that subject and lost, Six States being only in favor of them. Rhode Island New Hampshire and Delaware were unrepresented; it is now intended to bring on the question on the Cession of N. York, as soon as there are Seven States on the floor for it. R Island is now represented Delaware we expect in a day [or] two, and New Hampshire, next week; there will be Seven States without the last, if the Delegates from Connecticut do not change their minds. The New York Cession being accepted, it is probable the States from the Northward of Potowmack will be united[?] on the future questions relative to the W'n Territory ²

642. JAMES MADISON TO EDMUND RANDOLPH.¹

PHILADA. Oc'r 8, 1782.²

Dear Sir,

. . . . I omitted in my late letters to inform you that the Sweedish Minister at Versailles had [announced to Doctor Franklin the wish of his

[640]¹ R. I. Arch., Letters to the Governors, 1782-1783, p. 20; Staples, *R. I. in Cont. Cong.*, p. 392.

[641]¹ Md. Hist. Soc., Red Book, X. 43.

² See nos. 597, 599, 603, 611, *ante*, 658, 668, 675, *post*. Carroll's allusion in the beginning of this passage is evidently to the vote, Sept. 25, on Witherspoon's propositions of Sept. 6.

[642]¹ Library of Congress, Madison Papers, Ac. 1081; *Writings*, I. 243 (part); *Papers*, I. 180 (part).

² A letter from the delegates to Governor Harrison Oct. 8, acknowledging receipt of the governor's letter of Sept. 28 (see no. 635, note 5, *ante*) and transmitting the determination of Congress Oct. 1 respecting the representation of New Jersey, is in Va. State Lib., Executive Papers.

King to become an ally of the United States, and] that the [treaty might be] negotiated [with the Doctor in particular.] A plenipotentiary [commission has in] con[sequence issued for that purpose.] The [model] transmitted [by Congress is pretty analogous to the treaty with France] but is [limited in duration to fifteen years.] ³

Mr. L——l.⁴ Notwithstanding the particular [desire of the k]ing of [Sweden Lee, Izzard] and [Bland] particularly the first and last [struggled] violently [to deprive] the [doctor of the honour] intended [him.] Their [struggles and] man[oeuvres] however had [no other effect] than to [display their extreme enmity.] ⁵

I have put the above article of intelligence in cypher because secrecy was requested by [the doctor.] The request has not I find been very scrupulously attended to by others. . . .

In the answer to the communications of the French Minister relative to the current negociations at Versailles, Congress after renewing their usual assurances [took occasion to press] upon his [M. C. M. in] very [strong terms the objects] confided [to his discretion] including expressly [the free navigation of the Mississippi.] This I hope has [appeared in some ⁶ the rage] for [varying the plan of our ultimatum.] How far it will be [acceptable at Versailles] I cannot say. When that [part of the answer was read to the Minister here by the] committee [his] emotion was [expressed by a] strong and universal [suffusion of the face.] The Declaration of Congress published in the inclosed paper will [however sweeten the pill.] ⁷ Such a Declaration altho' in some respects [objectionable was judged upon the whole advisable at the present juncture.] Our [ministers in Europe] particularly [Jay urged it] much. Commiss's Emissaries and Spies are [announced in all their letters as the probable vehikles of] British poison. We all know that this poison requires no antidote here. But we cannot contest the judgment of our [ministers in Europe as to what] may be [best calculated for that meridian.]

Docr. Lee sett out the day before yesterday for Virga. His arrival at Richmond will give you access to such of the transactions of Congress as I may have from time to time omitted.

L——l. [He left] ⁸ this [place] I believe in not [the best of humours.]

³ The proposed treaty, together with the commission and instructions to Franklin, is in the *Journals*, Sept. 28. See the next paragraph of this letter.

⁴ "Mr. L——l" means that the cipher used in this passage is the "Lovell" cipher (code "Cupid"; see no. 555, note 2, *ante*). In the passage below, "L——l" at the beginning has the same significance. Other passages in this letter (*i. e.*, all bracketed words) are written in the official cipher.

⁵ Cf. nos. 599, 631, *ante*.

⁶ The context suggests "some measure"; but there is no cipher between "some" and "the". Madison may have meant some members of Congress.

⁷ The resolutions of Oct. 4, which were also issued as a broadside.

⁸ The passage relates to Arthur Lee. The "paper of Saturday" to which Madison refers was doubtless the *Independent Gazetteer; or the Chronicle of Freedom*, which contained in the issue of Oct. 5 a severe denunciation of a delegate in Congress (unnamed) for some interference in Pennsylvania politics. It is signed "CIVIS". Randolph wrote to Madison (from Richmond) Nov. 2: "Dr. Lee came to town the day before yesterday, and by the last post a very scurrilous account of his having left Phila. for Richmond followed him, in one of the newspapers. Does the sacred liberty of the press justify such invectives against men in high office?" Library of Congress, Ac. 1081: Randolph Letters.

In [Congress he] has [been frustrated] in several favorite [objects] and from the [press he has] been [most rudely] hand[led]. The paper] of [Saturday is] a [mild sample] of [his sufferings.] Whether the [charge upon which] these [attacks are] made [be true or not] I cannot [decide.] On the first supposition, my [feelings would] have been [irritated] into a [disavowal] and the [general com]ment [on his silence] shews that [prudence would] not have [repressed them.] . . .

643. JOSEPH JONES TO EDMUND PENDLETON.¹

D'r S'r,

I had written you a long letter the last week but Madison insisting it was his turn and that he had done the same and been full on the several matters contained in mine I the more readily suppressed it as it wo'd throw our correspondence into the regular channel. We have the last week no European intelligence of consequence. Our Colleague Mr. Lee received a Letter from Mr. Jennings at Brussels dated the 29th of July, the latest account I have heard, which says the negociations were not suspended, that it was apprehended L'd Shelbourne wo'd not continue long in administration as he was universally distrusted, but I fear he has so much the confidence and sentiments of his Master, nothing but the clamour of the Nation for peace and independence to America, will speedily produce these events. The same Letter enclosed the Act of the british parliament authorizing the King to make peace or truce with the revolted Colonies. We had no account of this Law other than that it was on its passage through the legislature when our Letters came from Europe and it was doubted whether it passed the several branches, but now I think it certain that it received the royal assent abt. the 4th July. A report prevailed here two days ago that the Marquis was arrived at Boston, a confirmation of this (which I do not expect) wo'd leave us witho't doubt that the negociations were at an end, or nothing soon expected from them. as that young Nobleman remained behind when the baron Viomenil, Duke Segur etc. came away, for no other reason than to render his aid on the important occasion. The policy of Britain undoubtedly is to remove great part if not the whole of their Troops from the Continent to the W. Indies and there make what impression they can on France and Spain while they wage offensive interior war agt. us taking care to secure their posts in Canada and the Western Country by strong reinforcements least we sho'd make attempts that way. Nothing but disagree'm't and disaster can well prevent the combined fleets in Europe from making impressions on the british commerce and perhaps finally effecting the reduction of Gibraltar as they are much superior to that under L'd Howe.

The bareness of the last week for news renders the papers uninteresting. I have sent you Oswalds w'h contains rather more entertainment than the packet.²

PHILA: 8th Octr. 1782.

[643]¹ N. Y. Pub. Lib., Misc. MSS., Jones.

² Boudinot wrote to Lewis Pintard Oct. 8: "We have great Reason to expect the Evacuation of Charles Town, but as to New York, it certainly depends on Orders by the

644. EZRA L'HOMMEDIEU TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

PHILADELPHIA, Oct. 9, 1782.

S'r,

Altho your Letter and the Affidavit respecting the Proceedings of the Vermonters were presented to Congress as soon as they met, after your Express left this Place, and were immediately after being read, committed, we have not as yet been able to get a Report from the Committee.² This delay gives me great uneasiness, as I am sensible of the Necessity of the immediate Interposition of the United States for the Relief and Protection of the Sufferers, and for the Preservation of Peace in that Country. I believe the Delay has been owing more to different sentiments in the Committee, than inattention to the Business. Colo. Bland heretofore has warmly espoused the Vermont Claim of Independance; Mr. Middleton has uniformly approved it; Mr. Montgomery the third Person of the Committee, has I believe lately altered his sentiments on that subject. Charles Phelps, Esquire, has had the satisfaction last Evening of being heard before the Committee Two or Three Hours, with very little Interruption, and laying before them a Number of Affidavits and other Papers relative to the Disturbances by the Vermonters, which Affidavits the Committee judged to be so important that they did not stop to make a report, till they had been read in Congress and referred to them; this I consented to, altho the Report will thereby be delayed one or Two Days. At present it is difficult to determine how far Congress will proceed in this Business, tho' I cannot but think the Votes of seven States may be obtained to put an End to such violent Proceedings.

The Back Lands is an object of so great magnitude and Expectation that at present it influences the Politicks of almost all the States: it has become a serious matter, and unfortunately the States are greatly divided on the subject. I much question whether a Vote of Congress could be obtained for Accepting the Cession of the State of New York, altho it should be agreed there were no Dispute in the Title and in Case the other States do not make Cessions of Part of their extensive Territorial Claims, the States who have no unappropriated Land will obstruct Measures necessary to be pursued by the several States, in order to compel some States to make such Cessions of Land, as they say they have reason to expect. Rhode Island gives this as a Reason why she does not comply with the 5 pr. Cent Act. . . .

next Packett. We have been amused here these several Days with a Report from New York that Rodney with the Jamaica fleet are all taken and that Gibraltar has Capitulated, but all this *wants Confirmation*. Will enclose the Papers." Hist. Soc. of Pa., Boudinot Papers, II. 106.

[644]¹ *Clinton Papers*, VIII. 41.

² The reference is to the governor's letter of Sept. 16 and a deposition of Joel Bigalow, read in Congress Sept. 23. See the *Journals* (p. 596 n.), Oct. 10 (p. 645 n.), and Oct. 17; also nos. 628, 629, *ante*, and nos. 645, 651, *post*.

645. JAMES DUANE TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

PHILADELPHIA, 9th Octob'r, 1782.

Dear Sir,

Being much engaged and nothing offering worth your attention I did not write to your Excellency by the Post. Mr. L'hommedieu however informed you of the State of Vermont Business at that time. Since, Mr. Phelps has arrived and I believe his Eloquence will be well employed. He has opportunities; his singularity draws attention, and he overflows in the plenitude of his Communicative Powers. He is, however, terribly distressed; without Cloaths fit for the season: without money or Credit to pay for his board: and leaning on the scanty support which the exhausted purses of your Delegates can afford. What is to be done for him? I hope your Excellency may be able to remit the supply for which I took the Liberty to write; otherwise I must hasten home. It is my wish to wait for Relief as I suppose Col. Hamilton and Col. Floyd will be here pretty early in the ensuing month—but propriety must yield to necessity. . . .

As soon as I can write to the purpose on the Vermont business I shall not fail. In the meantime it would produce little advantage on so beaten a subject to trouble your Excellency with Conjectures.² . . .

646. THE RHODE ISLAND DELEGATES TO THE GOVERNOR OF
RHODE ISLAND (WILLIAM GREENE).¹

PHILADELPHIA Octr. 13th, 1782.

Sir,

Inclosed herewith your Excellency will receive Several Extracts from the minutes of Congress, relative to points highly interesting to the State we have the honor to represent. By a Resolution of the 10th Instant Rhode Island and Georgia are called upon for an immediate and definite Answer to the recommendations of Congress respecting an Impost; Upon this important Occasion we cannot admit a doubt, That the General Assembly will adhere to those Principles of Freedom which Characterize the State, and with that wisdom and firmness which have heretofore marked their decisions and which reflect the highest honor upon their deliberations.²

We cannot omit to assure your Excellency that altho the interesting cause of the Western Lands has lately been agitated, and the claimants *out voted* our assiduous endeavors shall not be wanting to renew the Question as soon as circumstances shall render it proper.

As that extensive territory heretofore belonging to the Crown of Britain has in right of conquest devolved on the United States, by whose joint blood and Treasure the late Revolution has been affected, and as certain

[645]¹ *Clinton Papers*, VIII. 43.

² See no. 644, *ante*, and no. 651, *post*.

[646]¹ R. I. Arch., Letters to the Governors, 1782 (signed by Arnold and Howell); Staples, *R. I. in Cont. Cong.*, p. 393.

² See the *Journals*, Oct. 10, and nos. 647, 652, 654, *post*; cf. nos. 620, 621, *ante*.

of these States yet continue their Claims to share it exclusively amongst themselves to the prejudice of the Union, We beg leave to submit it to the Wisdom and Policy of the General Assembly, whether it will be expedient for our State to pass the Impost whereby these same engrossers of Land will also be disproportionally benefitted before full Justice shall be done us in regard to sd Lands.³

To the Extracts above mentioned we have caused the Yeas and nays to be annexed, this we think proper to be done on Questions immediately affecting the Interests of the State, as thereby the Assembly will be informed, not only with how great a Majority, and by what States each is carried, but also know the particular Opinions of their own Delegates, and be enabled to give them such directions and instructions from time to time as shall be found necessary.

If the Assembly should not make a short adjournment, we shall take it as a particular Obligation to have a further grant of Money to be forwarded in the course of next month.

We have no news either foreign or domestic worth communicating, but what is contained in the Public papers enclosed.

647. THE RHODE ISLAND DELEGATES TO THE GOVERNOR OF
RHODE ISLAND (WILLIAM GREENE).¹

PHILADELPHIA, Octr. 15th, 1782.

Sir,

On this all important Occasion we cannot be silent.² A moment remains before the post sets off, the Last which can Arrive at Providence before October Sessions of Assembly.

The object of a seven years war has been to preserve the Liberties of this Country, and not to assume into our own hands the power of governing tyrannically.

It has been on our part a contest for freedom not for Power; This has been the prize for which we have so nobly contended, This, the goal for which our course, so unremittingly pursued has been directed, This the sacred Palladium of all our hopes. We know your early, continued, and persevering Zeal in your country's cause. We cannot doubt your firmness.

To quicken your memory, awaken your feelings and to fix your attention is the object of this Letter. Congress have demanded of you an immediate answer in regard to the Impost, should it be brought on whilst the least doubt remains in regard to its propriety, it will be safest to reject it. It can afterwards be adopted should evidence finally preponderate in its favor, but should it once be adopted, the fatal dye is cast—it is to us irrevocable. Let no man therefore Vote in its favor with a single remaining doubt. For this advice we have a great Authority—"He that doubteth is damned if he eat"

³ See no. 569 (note 3), *ante*, and no. 658, *post*.

[647]¹ R. I. Arch., Letters to the Governors, 1782 (signed by Arnold and Howell); Staples, *R. I. in Cont. Cong.*, p. 394.

² The "all important occasion" which gave rise to this letter was the action of Congress Oct. 10 in resolving to call upon Rhode Island for an immediate definitive answer with regard to the impost. See no. 646, *ante*, and nos. 652, 654, 686, 693, 695, 701, 702, *post*.

It applies in this case, precisely. A *perpetual grant* is demanded of you. We say Perpetual, for that it will eventually be such is as clear as the Meridian sun. It is to be granted to Congress until all their debts are paid. They have power to contract as many debts as they please, and are not to account with you for their Conduct. Will not HALF PAY, PENSIONS, and other Pretexts, perpetually involve you deeper and deeper in Debt, and render it still more necessary to continue this grant, to perpetuity than it is to make it in the first Instance. Consult the voice of Nature, consult the Histories of Mankind, Nay consult your own experience and give an answer, and let that answer govern your Vote on this Occasion.

This being the case permit us, Sir, to demand of you, What right you have to make a perpetual grant of money? Will not succeeding Assemblies discover that you have invaded their rights? Will not posterity complain that you have given away their Money, which on every principle of the present Revolution they would be entitled to do themselves? Will not future Assemblies and Posterity be equally entitled to Judge and determine as to the *mode* of granting their money, as the present? No Rhetoric but that of *Power*, no reason but the *ULTIMA RATIO REGUM*, will be able to evince the Contrary.

Should the present deputies vote themselves perpetual, what injuries could the public sustain, but those which would result from their measures being perpetually pursued without the chance of a Change for the better by succeeding elections. But if the present Deputies can by a vote make their measures *Perpetual*, they *in fact* do the *same* injury to the public as they would by voting themselves *Perpetual* and eventually frustrate the ends of all future elections.

Is not this a bold attack on the Liberties of the People at Large?

After Congress shall have obtained a Perpetual permanent revenue at their disposal, will it not be a Temptation to that August body, after the Example of Holland, either to vote themselves Perpetual, or to apply to the States for such a Grant. And should such an Application be acceded to by a Majority of the States, is it Credible that our little State would have virtue and firmness sufficient to oppose the demands? Would it not be in the power of Congress, having the perpetual Revenue at their disposal, and having the Command of your Armies and navys to block up your Harbors, and bring war into your State? Could not your neighbouring States, lay duties and embargos on your trade? But, we hear some minion of Power reply, You are excessively Jealous, you are affrighted at nothing. We answer a degree of Jealousy is necessary, where it is extinguished Liberty expires. Did not similar Jealousies bring about the present glorious revolution? Did America resist the power of Britain to avoid only three pence on a pound of Tea, or was it their Claims, their unlimited claims and the tendency of their Measures, was it not rather Oppression and violence Apprehended and which existed in our well grounded fears and reasonable Jealousy that brought on the present war, than the great weight of Present Injuries?

A system was formed which, if carried into effect, and it would have been by degrees, would have deprived us of all that is valuable in Life.

This approach of tyranny was resisted, and with good reason, and hitherto by the blessing of Heaven with good success. Tyranny is to be resisted most easily and effectually in its first approaches, and at a distance. When its Standard is planted it will have numerous adherents, and power to protect and gratify them.

Should the impost be adopted, a numerous train of Officers concerned in the Collection and after management of the revenue, The Tribes of half-pay Officers, Pensioners, and public creditors whose number and influence might be increased from time to time at the Pleasure of Congress would enlarge, extend and increase their power, and soon induce *the necessity* of pursuing the remaining parts of the Plan, by adopting the Land Tax, the Poll Tax, and the Excise. After which the bond of Union, to use the phrase of the Advocates of these Measures, would be complete. And we will add the Yoke of Tyranny fixed on all the states, and the Chains Rivotted.

The great System of Government is established by the CONFEDERATION. This was a work of time and great Wisdom. The Eighth Article points out the method of Ascertaining the Quotas of the States in all Pecuniary Requisitions. The *Equity and Justice of the mode is not contested*.

But is it said, Annual Taxation in this mode does not give sufficient security to the public Creditors. In reply it may be observed that this was all the security they had a Right to expect when they become creditors, of the Public. This was the Ancient and only approved method of Raising money before the Confederation was adopted. The Creditors therefore who trusted the public before that period, have no right to demand a greater security for it was not promised them, in the Contract. And by the Sixth and ninth articles of Confederation, the power of imposing duties is expressly retained by the States in their individual Capacities: The Public creditors therefore cannot claim a right to a Continental impost, as a security for their Money, in virtue of the Confederation, which in so many words, would entirely blast all hopes of that kind had they been previously indulged. On what ground then can they demand greater security than they have by annual Taxation? On none whatever. They ought however to be paid, and we make no doubt they will be paid, to the extent of their Just demands and that in a Continental way, and no other.

But it is further said, the IMPOST is necessary to give us further Credit, and to procure Loans—the contrary is the fact. We have drawn from Europe by loans or gratuity already Thirty seven Millions of Silver, and a large loan is now negotiating there and has in part succeeded, and will no doubt be filled up, without the security of Mortgaging an Impost, or any promise of the kind. Posterity instead of regretting that our Credit was not better established, will rather admire at its extent when they feel the weight of the burthen thereby transmitted down upon them.

It is not necessary therefore to enable us to procure loans abroad, but rather to be avoided on that Account, as a temptation to incur an extravagant foreign debt, and endangering a more lavish expenditure of Public moneys. On what footing then is the measure necessary? No plighted

faith requires it; no reasons of Finance can induce it, no policy of State can Justify, no principle of our Constitution can warrant it.

The glorious fabric of Freedom erected in this new world, is the admiration of all Civilized Nations. May it long remain unimpaired! The structure of its several parts deserves attention and constitutes its symmetry and elegance. The weight of Congress rests and bears only on the several States. The States bear only on the several Counties, in some States, and the Counties on the Towns, and in others the States bear immediately on the Towns, and the Towns in all on the Individuals—the broad basis of power, which reared and supports the whole fabric.

The impost would break in upon this beautiful proportion, and empower Congress by their Own Officers, to bear with their own weight directly on Individuals. This would disturb the general Harmony, derange the elegant proportion and endanger the welfare of the whole building.

The Continental Treasury is to be supplied from the several States agreeable to Article 8th, by successive Requisitions. When a new Requisition is made, the purposes for which it is to be Appropriated, are to be pointed out to you, and it is to be accompanied with particular Estimates. You are at the same time to be informed what has been done, with your last Quota, and on a full consideration of the Representations so made to you, you are to grant your money like freemen, from time to time, bound only, as a sovereign and Independent State, by your sentiments of Justice, of virtue and by your SACRED HONOR. This is the voice of the Confederation.

We shall not on this Occasion repeat the well known objections against the measure. That it would instead of lessening increase the public burthens of the Country by the additional expenses of numerous Tribes of Officers concerned in the Revenue; that Congress are not to account for the Amount or Expenditure of it; that it would draw a larger Proportion of the public debt from us, as a Commercial State and as Consuming in Consequence a larger proportion of Imposts [*sic*], than any other State; that it would not be equal between Individuals, bearing harder on the poor and labourious, who are the strength of a State, upon those who have large families, and add to the Strength of the State by increasing its Subjects; that it would require a Military force to execute it, and bring in Standing Armies; that our Coast must be lined with Cutters, Guarda Costas Gallies, etc., to prevent running goods; that it would multiply Oaths and bring on depravity of Manners, etc., etc.; that a proportionate share of the back Lands, is unjustly withheld from us, and finally that the Measure would not, under all these Embarrassments, be productive of, or afford, any considerable Revenue. These objections are not only well founded but so notorious, we shall not dwell on them, but conclude by Observing that a measure, agst. which so many objections lie, and with so much weight, and which when once adopted cannot be revoked, ought not to be adopted at all. To adopt it partially and on Condition, as some States have done would discover an Aversion to the measure mixed with fear of declaring real Sentiments. It is a Measure which must be adopted entire or not at all.

We cannot doubt but the measure will be postponed, or finally rejected by a large Majority of the Virtuous and Patriotic Legislature of Our State, which has from its first Settlement preserved its Liberties entire, been foremost in the present Glorious Revolution, and by a decided Opinion on this important Occasion, will preserve the Liberties of the United States and transmit them to Posterity, and thereby enact to themselves a Monument more durable than brass.

648. THE VIRGINIA DELEGATES TO THE GOVERNOR OF VIRGINIA
(BENJAMIN HARRISON).¹

[October 15, 1782.]²

S'r,

We have your Excellency's Letter of the 5th with the inclosures which shall be lodged at the office of foreign affairs to be forwarded by separate conveyances as you desire. the inclosed is from this office. We also transmit your Excellency an extract of a Letter from S'r Guy Carlton to General Washington, in consequence of the apprehension and bringing to tryal in New Jersey a Citizen of that State who had taken arms agt. his Country. the latter part of it corroborates the intelligence lately transmitted us by General Washington from Canada and which we communicated to your Excellency, and gives us reason to hope the Indian ravages on our frontier will for awhile at least be suspended.

We have the honor to be with respect yr. Excelly's. Obt. Hbe svts.

J. MADISON JR.

Jos: JONES.

649. JAMES MADISON TO EDMUND RANDOLPH.¹

PHILADA. Oc'r 15th, 1782.

My dear Sir,

The offensive paragraph in the correspondence of Mr. L. with Mr. P. spoken of in your favor of the 5th, was as you supposed communicated to me by Mr. Jones. I am however but very imperfectly informed of it.²

[648]¹ Copied from the original, then in the possession of Mr. Stan. V. Henkels of Philadelphia.

² That this letter was probably written Oct. 15 is indicated by the following facts: all the contents of the letter relate to events at the end of September and the beginning of October, and the last sentence in particular refers definitely to the delegates' letter of Oct. 1 (no. 635, *ante*); the governor's letter of the 5th would normally arrive about the 14th, Monday; the delegates were accustomed to write every Tuesday, and there are letters of Oct. 1, 8, and 22. The governor's letter of Oct. 5 is missing, therefore there is no clue to the enclosures referred to.

[649]¹ Library of Congress, Madison Papers, Ac. 1081; *Writings*, I. 244 (part); *Papers*, I. 181 (part).

² The reference is to a letter from Arthur Lee to Mann Page. Randolph wrote to Madison Oct. 5: "Mr. Jones has, no doubt, communicated to you a letter, which he received from Mr. Mercer, respecting a passage in Dr. Lee's correspondence with Mr. Page. It is thought of and spoken of with much severity by some. But I cannot conceive, that the clamor, which has been excited is commensurate with the cause. It may produce events, fit for communication at a future day." Library of Congress, Ac. 1081: Randolph Letters.

We have not yet recd. a second volume of the negotiations at Versailles ;

Our friend McClurg has been here some days reconnoitring the ground on which he has been invited to build his future fortunes. His mind seems to be so equally divided that I cannot yet discover what his final determination will be. If the immediate sacrifices were less inconvenient to his finances, he would I fancy without hesitation embrace the prospect here.⁴

Love⁵—on a motion of [Bland a committee] was not long [since ap]point[ed to enquire into] the [detention of the money] and [cloathing ordered] from [Holland in Gillons ship] by [Col. Laurens.] The report on the subject which was [drawn by Bland] is [one of the most signal monuments] which [party zeal has produced.] By [mutilating and dis-colouring] facts in the [most shameless manner] it [loaded Franklin] with the whole [guilt and] proposed finally a [severe reprehension of] him. This [unfair] hostility did [not meet with] the [expected] countenance [of congress.] After being considerably [exposed a recommitment took place] with [an addition to the committee.]

The States which [covet the back lands] are by no means satisfied with the present [prospect of being gratified.] It is in [contemplation], I am told [to renew the attempt] for a fresh [recommendation] on this subject. Unless a [clause excluding the companies be annexed Virginia] will of course [oppose the measure.] I am [not sanguine however] that the [opposition] will be [effectual.] There are not [a few members] and

Edmund Pendleton wrote to Madison Oct. 14: "Nothing can equal the generosity of our ally; which is as permanent as it is beneficial; one would suppose the late instance would inspire every American breast with the warmest gratitude, yet I am told that a letter lately written to this country by Dr. Lee, contains sentiments very different and makes much noise in the State, to his disadvantage not to that of the alliance" (Mass. Hist. Soc., *Proceedings*, second ser., XIX. 163). Referring to the matter in a letter to Joseph Jones Oct. 21, Pendleton remarks: "Justice to the Dr. requires that I should thus early declare I have since had a particular account of that letter, and find the clamor was without foundation" (*ibid.*, p. 164). Then, in a letter to Madison Oct. 28 he says: "Our Legislature . . . seem out of humor, and talk of impeachments of the executive, and of censures on Dr. L. The name of that gentleman constrains me once more to say that tho' I was misinformed as to the first account of his letter, yet I was equally or perhaps more so, in the account I mentioned to Mr. Jones, tho' I had it from a gentleman I thought I could depend on" (*ibid.*, p. 165). Randolph wrote to Madison Oct. 26, "Reformations are talked of in every department and scrutinies are to be instituted with the fervor of republican jealousy". Then, on Nov. 8 he wrote, "I have my suspicion, that attempts are in agitation to shake the seat of the g—v—r". After some further remarks upon this subject he proceeds to relate (largely in cipher) the action of the Virginia legislature in the matter of Arthur Lee's letter to Mann Page. The subject is continued (principally in cipher) in letters of Dec. 19, 20, and 27. In the latter he remarks, "His defence [was pathetic]". Governor Harrison wrote to the delegates Nov. 23, "An inquiry is order'd into the conduct of a Gentleman who is said to have written a Letter to his Friend here which is thought to be imprudent if no worse, what the issue will be Time must discover" (*Official Letters*, III. 385). In the sequel Lee was cleared of "all suspicions of inimical designs to this State, or America in general". See *ibid.*, p. 385 n.

³ Madison mentions the receipt of a letter from Carmichael, "dated about the middle of June" (presumably the letter of June 12, Wharton, *Rev. Dipl. Corr.*, V. 488), then quotes an extract from a letter of Sir Guy Carleton to Washington Sept. 12, on which he makes this comment, "It would seem, from this paragraph, that the insidious object of a separate convention with America was still pursued".

⁴ See no. 695, *post*.

⁵ That is, the Lovell cipher is here used. In the next paragraph the words in square brackets are written in the official cipher.

some of them too not the least [respectable] who altho' unfriendly to [the companies dislike] such a [condition as being unnecessary to Virginia and dishonorable to Congress.]

650. DAVID HOWELL TO JOHN CARTER.¹

[October 16, 1782.]

This Day Letters have been read in Congress from Mr. Adams, of the 16th of August, and from Mr. Dumas, his Secretary, of the 19th. The Loan he is negociating fills as fast as could be expected. The Dutch are very friendly. They will not accede to the Proposals of the British for a separate Peace; but resolve, in all Events, to act in Concert with France and the United States.

Fitzherbert's Commission enables him to treat with his Most Christian Majesty's Minister, and those of *any other Princes or States concerned*, without naming the United States. The States of the Low Countries have sent a Minister to Paris, to meet Fitzherbert and the other Commissioners to treat for Peace in Behalf of the belligerent Powers. Spain will accede to no Treaty which shall not cede Gibraltar to his Catholic Majesty.

Some of the States of Holland have consented to the Treaty of Amity and Commerce proposed to them by Mr. Adams. Another Northern Power has solicited the Friendship and Trade of the United States; and a similar Treaty may be expected soon to take Place there.

Our foreign Affairs are in a good Train. The national Importance of the United States is constantly rising in the Estimation of European Powers, and the civilized World. Such is their Credit, that they have of late failed in no Application for foreign Loans—and the only Danger on that Score is that of contracting too large a Debt. Instead of regretting that our Credit was no better established, by an *Impost*, or *permanent Revenue* to be mortgaged for the Purpose, Posterity, when they feel the Weight of Debt thereby transmitted on them, will admire at its Extent, and rejoice it went no further.²

651. EZRA L'HOMMEDIEU TO THE GOVERNOR OF
NEW YORK (GEORGE CLINTON).¹

PHILADELPHIA Oct: 16, 1782.

Sir,

By the last Post I informed Your Excellency that notwithstanding our Importunity we had not been able to get a Report from the Committee on the Vermont Business.² Delays have since been made. The Committee

[650]¹ *Providence Gazette*, Nov. 2, 1782 ("Extract of a Letter from a Gentleman in Philadelphia to his Friend in this Town, dated October 16"); *Boston Gazette*, Nov. 10, 1782.

² For the proceedings in Congress to which the publication of this letter gave rise see the *Journals*, Dec. 6, 12, 17, 18, Madison's Notes of Debates for the same days (*Journals*, XXIII. 863, 867, 868), and nos. 701, 702, 707, 714, 715, 718, 722, *post*.

[651]¹ N. Y. State Lib., Clinton Papers, no. 4809 (addressed, "His Excellency George Clinton Esquire Governor of the State of New York Poughkipsie").

² See no. 644, *ante*.

moved for an Addition of Members, as Mr. Middleton was about leaving the City and could not attend; Mr. Carroll, Doctor Witherspoon and Colo. Dyer were chosen and a Report was brought in and read this morning, a Copy of which is inclosed;³ and altho it is far from giving that immediate Relief and Protection to the Sufferers which I had reason to believe was agreeable to the sentiments of the first Committee, yet considering the Completion of the Present, at least the majority, who have been advocates for the Vermont Independence, we could not expect much more. They say 'tis in vain to keep the Peace of that Country, till the great Question is determined respecting their Claims, which Determination ought to be immediately made, but I fear under this Colour of Tactics the Decision will from Time to Time be postponed, and the unhappy Sufferers in Cumberland left to the mercy of their Enemies. I hope my fears are groundless, and that a speedy Decision of the Controversy, agreeable to the Resolutions of the 24th of Sept. 1779 will take place. I am under no apprehensions at present that a Vote of Nine States could be obtained in favour of the Vermont Claims of Independence, even if it could be supposed that Nine States had a Right by the Confederation to make a New State in the Present Case; Yet it is doubtful, whether Seven States will join in opposing that Claim and desiding agreeable to the aforesaid Resolutions, which I think is the only consistent Principle Congress can act upon at Present. I shall do myself the Honour of communicating to your Excellency by the first Conveyance the Progress that is made in this Business,⁴ and am with the utmost Respect

Your Excellencys Most Obedient and very Humble Servt

EZRA LHOMMEDIEU.

P. S. we have no News except what is contained in the News Papers herewith inclosed.

652. DAVID HOWELL TO NATHANAEL GREENE.¹

PHILADELPHIA 18 Octob. 1782.

Dear Sir,

. . . . I am happy to find the present members of Congress men of Superiour abilities to what I had conceived. Some men of great learning are among their number; little of my assistance is required.

The affairs of the U'd States are at this day so well digested and reduced to such good order and System under the Heads of the great Departments, The army so well officered and disciplined that, foreign affairs excepted, little remains to be done but executive business. The ways and means of supplying the Treasury at present engrosses our

³ The report appears to have been brought in Oct. 15 and read Oct. 17 (see the *Journals*, p. 664 n.). The committee appointed Sept. 23 was Middleton, Montgomery, and Bland. Oct. 10 these papers were referred to the committee to whom had been referred the Phelps memorial, namely, Montgomery, Bland, Carroll, Dyer, and Witherspoon (see the *Journals*, pp. 596 n., 645 n., 664 n.). See further the *Journals*, Nov. 5, 14.

⁴ See nos. 661, 662, 666, 669, 671, 673, *post*.

[652]¹ From the collection of the late Adrian H. Joline of New York.

attention. could that be effected in Season it would facilitate every operation.

As to arrangements in Finance a report from that office proposes, in addition to the 5 pr. cent. Impost, a Land tax of 1 Doll. pr. 100 Acres, a Capitation of 1 Doll. pr. Pole, and an Excise of $1/8$ Doll'r pr. Gallon on all ardent Spirits. The net proceeds of each estimated at 500,000 Dollars, would furnish a revenue of 2,000,000 pr. Annum.²

It is to be regretted that in the actual State of our affairs an accurate Statement of our national debt is unattainable. It is estimated as follows, *Viz.* Foreign debt 5 millions: Funded debt bearing intrest twelve millions. Unsettled accounts with the Army, etc. including Staff-officers certificates about 8 millions. In all thirty millions. The intrest of which sum would be 1,800,000, something less than the annual revenue abovementioned.

But Congress are not armed with power by the Confederation to carry into effect these propositions; they can only *recommend* them to the States. Their *requisitions* for money must all be made agreeably to Article 8th of the Confederation. Out of these four propositions, the Impost alone has been recommended; the others meeting with obstructions in Congress. It has been adopted by eleven States, tho' with restrictions, limitations and Conditions in some States: Rhode Island and Georgia have as yet transmitted no acts of their Legislatures on the Subject. In Consequence, Congress have passed an act requiring an immediate and definitive answer of them on the Subject. October Session will produce one no doubt from our State. This is an affair of great expectation. The public creditors are open mouthed against us. Our State would more readily admit it could they reserve to themselves the appointment of the revenue officers, and have the amount thereof raised in our State pass to our particular credit.³

In the mean time, while these measures are suspended in this Situation, it being of the utmost importance to the public credit that intrest should be punctually paid, particularly on the funded debt, a tax of 1,200,000 Dollars is *quoted* to the several States and ordered to be paid in to defray the intrest of our domestic debt for the current year.

By the estimates adopted six millions are allowed for 1783. two millions will be required in way of Tax; the remainder will be solicited in Europe by way of Loan. Mr. Adams is negotiating in Holland a Loan of 5 millions Guilders on the following terms. 5 pr. Cent. annual intrest, $2\frac{1}{2}$ pr. Cent to the Society of mercantile Houses, the undertakers, in full for procuring the money of the lenders the principal is to remain fixed 10 years: then to be paid in five equal, yearly payments, One pr. Cent. on the intrest for receiving and paying it out yearly. More than one million was filled last June and there was a good prospect of its being filled by our last advice. Congress have resolved to make application for four millions Dollars in addition.⁴ But perhaps I am relating things well known.

You will be informed of the result of the late meeting of Comissioners for establishing a *general* Cartel—no other will be consented to.

² The report of the superintendent of finance, dated July 29, is in the *Journals*, Aug. 5. See further *ibid.*, Aug. 30, Sept. 4, 6, 25; cf. nos. 572, 583, 606, 611, *ante*.

³ See nos. 646, 647, *ante*, no. 654, *post*.

⁴ See the *Journals*, Sept. 4, 10, 14, 18, 25, 28, Oct. 1, 10, 16, 18; also no. 622, note 2, *ante*, and nos. 654, 655, 658, *post*.

By the resolves of Congress you will see they have endeavoured to guard the people against the insidious views of the Enemy.⁵ My official Letters to the State will discover that I never yet conceived the British Cabinet sincerely disposed to establish peace on honorable terms. Their necessities crouded hard before Rodney's affair in the W. Indies. . . .

653. THOMAS SMITH TO THE PENNSYLVANIA COUNCIL.¹

Gentlemen,

By a resolution which is just now passed, General Washington is at liberty to continue or abandon the Post at Wioming, as he shall judge most for the public good, the former resolution on that subject notwithstanding—indeed the former resolution was optional with the General; But from his Letter on this subject, I have good reason to believe that the Continental Troops will be withdrawn, unless a representation is made to the General of the apparently pernicious consequences of such a measure.

I objected to any new resolution being passed at present.

1. Because it was not necessary, the former resolution leaving the matter to the discretion of the General.

2dly. Because Harmony subsisted at present between the two contending States of Pennsylvania and Connecticut, which had not been interrupted since these troops were stationed there; But if they were withdrawn, either the one Party or the other might get the exclusive Possession of the Post, and then it would be easy for the Party in Possession to raise obstacles to the decision of the dispute, and procrastinate it to a dangerous length, and I venture[d] to predict that this would be done or at least attempted, and even should it be decided notwithstanding all attempts which might be made to prevent a determination and that determination should be against the Party in Possession, I dreaded the Consequences.

3dly. That this Post was the Keystone of protection to a great extent of the frontiers of Pennsylvania, and I was so unfortunate as to be decidedly of an opinion directly the reverse of that of the General, respecting the peaceable disposition of the Indians—and may Heaven grant that the event may prove my want of judgment on this point! and that countermanding the Expeditions may be followed by salutary effects!

I give Council this information in order that, if they are of opinion there is any weight in my sentiments, they may make such representations to the General as they shall judge the good of the State may require. There is perhaps a necessity for removing the Troops there at Present, if they are so undisciplined and their conduct so irregular and unmilitary as represented; but that operates only as a reason for their being replaced by others and not for evacuating the Post. The Council will, I hope, excuse my officiousness on this occasion and ascribe it to my anxiety for the Peace of the frontiers.²

Octr. 18th, 1782.

⁵ See the *Journals*, Oct. 4.

[653]¹ Hist. Soc. of Pa., Provincial Delegates, III. 108; *Pa. Arch.*, first ser., IX. 652.

² See the *Journals*, Oct. 18; also *Pa. Arch.*, first ser., IX. 653, 656; cf. no. 616, ante.

654. THE RHODE ISLAND DELEGATES TO THE GOVERNOR OF
RHODE ISLAND (WILLIAM GREENE).¹

PHILADELPHIA Octr. 19th, 1782.

Sir,

Inclosed you will recieve two Resolutions of Congress for raising Monies from the States, and the proportions in which the same is assigned to each State. it appears thereby, that the proportion to our State is lessened as from a 37th to about 41 and $3/4$ —a greater diminution could not be obtained.²

Your Excellency will find in the Resolutions of yesterday a *clause* which we thought it our duty to oppose, on the following grounds.

Because, As by the Laws of the State the Collectors in the several Towns are vested with power, and it is their duty to collect *all Taxes* as well Continental as others, it would operate to prevent persons from Accepting that office; and thereby embarrass, and greatly affect the Internal police of the State.

Because, it would in part supercede, in Office, one of the general Officers of the State, and essentially interfere with the duties of his Office.

Because, it would create a *New Office* in the State, unknown in its Constitution, of foreign Appointment, Independent of the people, and over whose conduct, neither the Legislative nor Executive Authority of the State would have any Controul.

Because it would, in its operation and tendency be repugnant to the Letter and Spirit of the Confederation—particularly the latter clause of the Eighth Article.

We submit the justice, force and propriety of these objections to the Wisdom of the Assembly, not doubting they will, on this and every similar Occasion, pursue their public measures in such manner as shall effectually check the oblique and covert, as well as the direct and open approaches of Despotism. . . .

655. ELIPHALET DYER TO THE GOVERNOR OF CONNECTICUT
(JONATHAN TRUMBULL).¹

PHILADELPHIA, Octob'r 19th, 1782.

Sir,

. . . Your Excellency was acquainted that Congress had resolved to recommend to the several States to raise their respective quotas of 12,0000 [*sic*] dollars, in order to pay the past interest of all the publick debts or loan or which might be adjusted and settled in America, as the only means to revive the sinking credit of these United States, and the drooping spirits of thousands in distress for their principal, or at least for a se-

[654]¹ R. I. Arch., Letters to the Governors, 1782-1783, p. 30 (signed by Arnold and Howell).

² See the *Journals*, Oct. 16, 18, and no. 652, *ante*, no. 655, *post*. In the apportionment of 8,000,000 dollars Nov. 2, 1781, Rhode Island's quota was 216,684, or about $1/37$ part of the whole; in the apportionment of Oct. 18, 1782, that state's quota of 2,000,000 dollars was 48,000 or exactly $1/41\frac{3}{4}$ part of the whole.

[655]¹ Mass. Hist. Soc., *Collections*, seventh ser., III. 387.

curity of the interest, by which means the principal might become of some value to them, which was depreciating with the greatest velocity: the intrest on the first loans is stopd in France. Congress have since agreed to recommend to the several States to raise by a tax to the amount of two millions of dollars more towards the expenditures of the ensuing year, having reduced it as low as possible with an expectation that the further sum necessary will be procured on loan; the first, to be raised for the payment of intrest, is to be applied in the State to such of their inhabitants as have debts and interest due thereon, an estimate of the proportion as adjusted on that sum I enclosed in a letter to Mr. Sherman; of the last 2 million I have enclosed with this. On these I have to lament that it was not in the power of your deligates to have justice done the State in their proportion of these sums to be raised, notwithstanding our utmost efforts and exertions therein. It is well known I am warm, impetuous and persevering, Mr. Huntington cool, steady and judicious; our joint indeavours were not wanting, but in vain. it is said Connecticut are a rich, flourishing and frugal people, they have great advantages, they must pay now, and when the estimates are made, agreeable to the Articles of Confederation, all shall be put right: but however they were informed that tho we wished not to have Connecticut out of resentment withhold what was right, yet they might depend upon it, when all was done, she would do justice to her self, as well as her sister States and to raise no more of those sums than her proportion, with whom she was well able to compare herself and judge with equity.² . . .

656. JAMES MADISON TO EDMUND RANDOLPH.¹

PHILADA. Oc'r 22d 1782.

My dear Sir,

. . .² The Secr'y at War lately communicated to Congress an extract of a letter from Genl. Washington of a [very unwelcome tenor]. It [paints the discontents of the army in very unusual colours], and [surmises some dangerous eruption] unless [a payment can be effected within the present year]. The Secy. is gone to Head Quarters at the request of [the General]. How [far their joint precautions will calm the rising billows] must be [left to the result].³ . . .

² Cf. nos. 652, 654, *ante*.

[656]¹ Library of Congress, Madison Papers, Ac. 1081 (original and copy); *Writings*, I. 246; *Papers*, I. 182.

² The first part of this letter relates to Adams's letter of Aug. 18 and quotes a "skeleton of the commission" of Fitzherbert. See no. 657, *post*. Following the remarks upon Adams's letter, and preceding the passage given here, is a passage not included in the printed texts (it is partly in cipher), in which Madison comments somewhat caustically on Dana's letter of June 28 (Wharton, *Rev. Dipl. Corr.*, V. 528). "As a sample", Madison remarks, "of his [competency to the subject] I subjoin the following paragraph"; and he quotes the passage in Dana's "Reflections" (p. 529) beginning, "Besides, how is Russia paid for her productions and manufactures?" "As a sample", he continues, "of [his political talents] here is another"; and he quotes the first paragraph of Dana's letter.

³ Washington's letter to the secretary at war (Benjamin Lincoln), dated Oct. 2, is in *Writings* (ed. Ford), X. 90, (ed. Sparks), VIII. 353.

In a closing paragraph (not in the printed text) Madison speaks of the illness of Joseph Jones, then adds: "Col: Bland has also been in the list of Valetudinarians. He is at present out of Town, having made an excursion for the benefit of exercise and of country air." Bracketed words are written in the official cipher.

657. JAMES MADISON TO EDMUND PENDLETON.¹

PHILADA. Oc'r 22d, 1782.

Dear Sir,

The address of your favor of the 14th instant to me coincides with the order which Mr. Jones and myself had settled.² It would have been the more inconvenient too for him to have had his turn this week, as the dregs of his late indisposition are working themselves off to his no small disturbance. His lady seems now to be pretty well restored.

The Vessel, whose arrival at Boston was I suppose mentioned last week by Mr. Jones, brought Congress a letter from Mr. Adams dated Hague Aug: 18th. Inclosed in it was a copy of a Plenipotentiary Commission issued July 24 to Mr. Fitzherbert who succeeds Mr. Grenville. This Gentleman has been for some time the British Minister at Brussels, and possesses I understand no talents for the management of serious and intricate negociations. His commission like the late act of Parliament is a child of Shelburne's policy and will suit any events which the war may produce. It authorizes him to Treat and conclude a peace at the Court of his M. C. Majesty with the Plenipotentiaries as well of the High and Mighty Lords the States General of the United Provinces, as of *whatsoever Princes and States it may concern*, and as well singly and separately, as collectively and conjointly. The States General had also appointed a Plenipotentiary who was to set out for Paris shortly after the date of Mr. Adams' letter. These are all the circumstances with which we are furnished relative to the business of a pacification. Unless Mr. Adams has written more fully by abortive conveyances it would seem as if the prospect was not very flattering to his expectations.³

The States of Holland and West Friesland had determined on the commercial Treaty proposed to them and Mr. Adams expected to have a speedy conference with the States General in order to bring it to a conclusion.

Congress have reduced the estimate for the ensuing year to about 6 Million of Dollars; and the requisition on the States in the first instance to 2 Million. A call for the residue is to be suspended untill the result of their application for loans shall be known.

We have as yet no account of the actual evacuation of Charlestown. From N. York we have no intelligence that deserves credit, of any sort.

. . . .

[657]¹ N. Y. Pub. Lib., Madison Papers.

² Pendleton's letter of Oct. 14 is in Mass. Hist. Soc., *Proceedings*, second ser., XIX. 163.

³ A letter of the same date from the delegates to Governor Harrison is in Va. State Lib., Executive Papers (given in abstract in *Cal. Va. State Papers*, III. 352), and contains a briefer account of this matter. The letter from Madison to Randolph of which an extract is given *ante* (no. 656) quotes a "skeleton of the commission" (in Latin) to Fitzherbert. Adams's letter of Aug. 18, enclosing Fitzherbert's commission, is in Wharton, *Rev. Dipl. Corr.*, V. 665, but the commission is not there printed. Cf. no. 650, *ante*, no. 660, *post*.

658. THE NORTH CAROLINA DELEGATES TO THE GOVERNOR OF
NORTH CAROLINA (ALEXANDER MARTIN).¹

PHILADELPHIA, 22nd October, 1782.

Dear Sir:

. . . . The great subject that has for some months drawn the attention of Congress is the means of supporting Public Credit and raising a supply for the expences of the next year and paying the deficiencies of the present year.

We have called the subject of supply a great one, because it is emphatically such with us, since we have little to fear from the Military force of the enemy who are decidedly inferior in the field and must continue so while we can pay, feed and cloath our Army, and never was an army worse paid than they have been and are, to say nothing of the cloaths and rations.

No Citizen of North America will be surprised at this assertion when he looks over the estimate for the expences of the year and considers how small a portion of that sum we have actually paid or borrowed.

Congress have agreed for the next year to attempt to borrow on France or Holland Five Millions of Dollars. We expect to borrow at five per cent. per annum. The Brokerage and other expences will raise the Interest per year to 6 per cent. Some Gentlemen think that we should attempt to raise larger Taxes at home in order to be relieved from the expence of Foreign Interest.² We admit that, for our parts, we have been decidedly in favour of borrowing. The peculiar quality of our staple and the scarcity of money in North Carolina, we think, will justify our conduct. We contend that we are sufficiently rich to deserve Credit, tho' we are at present unable to pay Taxes because Tar, Pitch, Turpentine, Lumber, Indian Corn and the other general staples of North Carolina are too bulky to bear transportation in the time of War. In time of Peace all those articles may be very acceptable to either of the Nations that may lend us money. We apprehend that in time of Peace it would be more convenient for the Citizens of North Carolina in general to pay one Guinea than at present to pay one Dollar. We hope that our Constituents will at least approve the loan, knowing how difficult it would be for them to pay a Specie Tax of the twentieth part of their Quota for the annual expences of the War.

It is a fact, not to be dissembled, that the different States are not fully agreed as to the best and most eligible means of funding and paying off the annual supply. The smaller States and some of the larger ones are extremely desirous to do something with the back-lands. Their eyes are so eagerly fixed on those forests that they seem to stumble over the more obvious and productive subjects of Revenue which are nearer at hand. To this hour the State of Rhode Island have not adopted the 5 per cent. duty. They object that such a Tax is not according to the Confederation, while they contend for a participation of the Western lands which is contrary to the express terms of Confederation.³

[658]¹ *N. C. State Recs.*, XVI. 434 (signed by Williamson and Blount).

² See the *Journals*, Sept. 14, and no. 621, *ante*.

³ See no. 652, *ante*.

In our public Letter No. 6, August 18th,⁴ we mentioned the Western Lands and expressed our opinion that these lands might enable us to pay off a great part of the State debt or such debts as have been contracted for Militia service in the State. As no mention is made of the Western Lands in any of the requisitions that are now forwarded to the General Assembly, it becomes necessary that we should explain why we turned your attention to those Lands.

The subject of Revenue was at first submitted to a Committee of thirteen, being a member from each State, and after much deliberation and debate they reported:

1st. That the Western Lands, if ceded to the United States, might contribute towards a fund for paying the debts of those States.

2nd. That it be recommended to the several States to impose a Land Tax of one Dollar on every one hundred Acres of Land.

3rd. That they also impose a Poll Tax of half a Dollar on all male slaves from 16 to 60 and all free men from 16 to 21 and a Dollar on all free men from 21 to 60 except those in the Federal Army, etc.

4th. That an excise be laid on all distilled Spiritous Liquors of one-eighth of a Dollar for every gallon.

We had no such high expectations as some of the Committee concerning the productive value of the Western Lands, nor did we think that the States at large had any claims on them. The Land Tax of one Dollar per hundred Acres was, in our view, insufferably unequal. The vast tracts of sandy barren land in North Carolina can never be measured with the same scale as the uniformly fertile Lands in some of the Northern States. We shall make no remark on the other articles. There was a clear majority of the Committee in favor of the report, on which occasion we wrote the Letter referred to.

However, when the report was taken up by Congress, every part of it which respected the subjects of Taxation was rejected. The Southern States on this occasion were more fortunate than in Committee, for three of the minor States having but one Delegate in Congress were entitled to no vote when the report was brought forward; hence the question was lost by these who had been a majority, for they could produce but 5 or 6 votes at most. In the meanwhile it is our duty to tell you that the debate concerning Back-Lands is only dismissed for the present; it will certainly be revived whenever the Northern and Minor States are better represented. And as those lands are likely to prove the subject of warm and obstinate contention, it may be proper to consider whether there is any middle path by which the State may equally consult its honor, its interest and the public Peace.⁵

It is expressly provided by the 8th Article of Confederation which is our Magna Charter, that in paying the expences of the present War the Quota of each State shall be fixed according to the Value of all lands in the several States "granted to, or surveyed for any person together with

⁴ A letter from the delegates dated Aug. 18 is in *N. C. State Recs.*, XVI. 398, but not the one here referred to.

⁵ See nos. 606, 611, *ante*, 668, 671, 675, *post*.

the buildings or improvements thereon" to be estimated from time to time as Congress shall direct. The enemy being in the Country is the reason given why this mode of fixing the quota has hitherto been neglected. For our parts we are determined to endeavour, by every possible means, to put this mode of fixing the Quota in a Train of Execution. Our State cannot, in prudence, desert that measure. It is more favorable for us than for most other States in the Union. Other States must pay for their large Towns and land highly cultivated, while we have few Towns and much wood land. But this mode, when the Western lands are included, appears to be less favorable. It is very certain that should we keep those lands, should we open the land office and sell them out, the clear revenue arising from the sale would be very small; they would bring little money into the Treasury, but they would render our Quota of the National Debt near double of what it is at present. For in fixing the Quota every State must be charged with its located lands, and as Land Jobbers are not a very popular set of men in any Country, and as the Lands are probably to be valued by indifferent people we may be assured that the Western Lands, which are located, but not improved, will be rated at their full value, and we suspect that our Western Lands on this side of Ohio are nearly double of those Lands already located in the State.

Connecticut, which has a very extraordinary claim to some Western Lands, also New York and Virginia, have made cessions of part of their claims to the United States, but they have not yet ceded all that is required, nor are the terms, especially those of Virginia, acceptable to Congress.

If North Carolina should be induced to give up any part of her Western Territory, we presume she will at least require the following preliminaries:⁶

On the general subject of supplies we need hardly inform you that our Army is extremely clamorous, we cannot pay them—we can hardly feed them. There is no money in the Treasury and we are obliged to draw upon the Foreign Loans before they are perfected.

We know that our State will not be able to raise the Quota that is assigned to her for the year 1783, but we are confident that she will do all in her power. We have attempted to fix her Quota as low as possible, and from a Paper we have sent you will perceive that we have deducted something from the Quota of last year, though our circumstances are now more favorable.⁷

The enemy are extremely desirous to get their Soldiers, who are prisoners, out of our hands, but they do not offer a *quid pro quo*. Congress have determined not to make any exchange 'til the Commissioner, who shall be sent to negotiate a general Cartel, shall produce Powers expressly derived from the King of Great Britain, and shall have paid or secured payment for a large balance due the United States for the sustenance of

⁶ See no. 606, *ante*. Five conditions are suggested as preliminary to any cession of territory by North Carolina.

⁷ North Carolina's quota in the apportionment of 8,000,000 dollars Nov. 2, 1781, was 622,677 dollars; her quota of 2,000,000 Oct. 18, 1782, was 148,000, a quota which, on a basis of 8,000,000, would be 592,000. Apparently therefore it was assumed by the delegates that they had accomplished a reduction equivalent to 30,677 dollars. Cf. nos. 621, 632, *ante*.

Prisoners. Attempts have been made in the meanwhile to secure a partial exchange. Congress have been zealously pressed to confirm the exchange of Lord Cornwallis for Mr. Laurens. This proposition is the more extraordinary as the enemy at first pretended to liberate Mr. Laurens unconditionally. The finesse was certainly curious and original. However, Congress have not adopted the example in giving up Lord Cornwallis unconditionally. Such an Officer is rated at 1,200 men, which is too large a gift to be made to a Nation that never wishes to give us anything except hard measures. The Southern States who are best acquainted with his Lordship's good qualifications are determined, if possible, that he shall be indulged a few months longer in the repose of his native Country unless he should choose to be paroled in South Carolina.

We confess that in this debate we have thought it our particular duty to give Lord Cornwallis credit for the numberless murders he has committed in the Carolinas and Georgia.⁸

Negotiations in Paris for Peace move on with such a steady pace that they are hardly progressive. . . .

659. JOHN TAYLOR GILMAN TO JOSIAH BARTLETT.¹

(Private)

PHILADA. Octr. 23d, 1782.

Sir,

I have Received your's of the 5th Instt. you ask my Sentiments Respecting a Settlement with the officers for Rations etc. I have Received a Letter from Lieut. Blanchard in which he informs me that he does not doubt but the wishes of the Officers in that matter will be Complied with, and Requesting me to Transmit him some Resolutions of Congress which I Shall do if there are Such. . . .

as to Rations I don't know of any Resolutions by which the matter is Submitted to the Several States for Settlement. It is my Opinion that the State ought not to make any Settlement, or pay any Monies to be Charged the United States, without seeing Resolutions of Congress authorizing them so to do, unless in Cases of Necessity.²

It is an Opinion which Many Persons have, that the accounts between the Several States never will be adjusted. I have lately heard some Members of Congress give their Sentiments fully to that purpose, and it is my Opinion that the Conduct of some of the States are much Influenced by those Ideas. That it will be much for the Interest of some States not to have a Settlement made is Obvious; and with such Ideas, should a Settlement at some very distant period take place, will it not be very difficult to obtain allowance for Charges which are not Authorized by Congress. I am an advocate for the Accounts being Settled between the Several States, (not on the principle that very great advantage would Accrue to the State of N H. in particular from Such Settlement, as I know the Opinion of some is, but because Common Justice Demands it and I think

⁸ See nos. 617, 626, 631, *ante*, and no. 693, *post*.

[659]¹ Dartmouth College Lib., Bartlett Corr., vol. II., 1779-1790.

² See nos. 557, 576, *ante*. In a subsequent passage (omitted) Gilman resumes the subject.

the public safety will Require it), but if such Settlement was to take place to-morrow why Should N H take on herself more of the Debt than is Required by Resolutions of Congress. . . .

The Subject of Continental Currency has been taken up, but no Conclusion made. It is not very extraordinary that States who have it not, say to those who have more than their proportion; you grasped after it, you had no Right to Collect more than was *Required of you by the Resolutions of Congress*. In that Case their would have been Enough left for us to Collect, it had a Currency with us at the Rate of 1,000 for One, you have Collected it, you must make the most of it, take little or nothing for it etc. etc. etc.³

I will Just ask your Attention to some sentences in the Financiers Letter of July 29th. It is (as Congress have it) in the 3d Page of the 4th Sheet, and on the Subject of Borrowing Money from the Dutch. I think the Sentiments there may Serve to Corroborate some of my Ideas in this Letter.⁴

I do assure you Sir that the Subject of this Letter gives me pain. I Should have been much better pleased to have made the Representation Verbally, but as I am favoured with an Oppt'y to Send it by a private Conveyance to Boston hope it will go Safe. on the one hand these are Subjects which persons in my Situation should Handle with Caution, and on the other I think it my Duty while in public service to give such Information as may prevent the State fr[om] b[eing] too much Injured. I have marked this as private, [and wish it] to be as much so as is Consistent with the good of the [country;] at any Rate I know it will be Safe with you, and wo[uld have] you make Such Use of it as you think proper.

I have not a Single Article of News to give you, I would Answer your Letter more fully, but the Gentleman by whom this goes to Boston is Just going.

660. SAMUEL OSGOOD TO THE GOVERNOR OF MASSACHUSETTS
(JOHN HANCOCK).¹

PHILADELPHIA Octo'r 23d, 1782.²

I have the Honor to enclose your [Excellency] the Copy of a Commission given by his br[itanic] Majesty to Mr. Fitzherbert for the Purpose [of] negotiating a Peace.

³ See no. 663, note 4, *post*.

⁴ Morris's letter of July 29 is in the *Journals*, Aug. 5, and in Wharton, *Rev. Dipl. Corr.*, V. 619.

[660]¹ Mass. Arch., CCIV. 279.

² Oct. 23 a committee of which Osgood was chairman reported an establishment of the quartermaster's department, which was adopted. Because of an oversight an amendment became necessary, and this necessary addition to the establishment was adopted Oct. 29. The following extract of a letter from Samuel Hodgdon, commissary-general of military stores, to Timothy Pickering, quartermaster-general, Oct. 31, casts light on this oversight:

"Before this comes to hand, you will have adjusted, and digested, the late regulations made for your department. you will wonder why rations so necessary to Support Men who have no pay Should not have been mentioned.

"This was a mistake, discovered by your friend, upon reading over the plan. perceiving the error, I waited on Mr. Osgood and discussed it, he to the Committee, which has pro-

I have also enclosed Extracts of Gen[^l.] Washington's and Genl. Carlton's Letters [by] which it seems to appear that the latter [aimed] at opening a Door for a Seperate Peace. Congress have not tho't fit to order a Publication of the Letters but there can be no Reason why the several States should not be furnished with these Extracts particularly the supreme Executives. The enclosed Commission was Recd. from Mr. Adams in a Letter of the 18th of August in which he makes this Observation—" *The Words quorumcunque Statuum quorum Interesse poterit* include the United States according to them, but not according to the King who uses them; so that there is still Room to evade. How much nobler, and more politic was Mr. Fox's Idea to insert the 'Ministers of the United States of America' expressly!"³

661. JAMES DUANE TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

PHILADA. 23d Octob'r 1782.

Dear Sir,

I am apprehensive your Excellency's Patience has suffered a severe Trial by our Silence on the Subject of the Grants. Nothing is done of moment to this Hour, but I must admit that the prospect seems fair for a Decision favorable to our Wishes. There is however always something in our Way.

P. S. Mr. L'hommedieu makes up the news papers for your Excellency; and will send you Copy of a late Resolution of Congress which touches the Grants in a tender point.

P S I wrote the preceeding before I went to Congress; while on the Floor we were honord with your Excellency's dispatches of the 14: and 15: Instant by Mr. Osburn and the several Enclosures were communicated without Loss of time to Congress. They came seasonably and will be of use.²

662. EZRA L'HOMMEDIEU TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

PHILADELPHIA Oct: 23, 1782.

S'r,

The Copy of a Report of a Committee which I had the Honour of transmitting to your Excellency by the last Post, has since that Time

duced the additional resolve which you have on the back of the System inclosed. a fatality has attended this business in every branch. after the report had pass'd, and was handed the printer, by him printed and returned to the Office, we found the Assistants were omitted. this it seems was a mistake of Mr. Thompsons in not entering it on the day's minutes which were given the printer as a Copy. this you perceive I have subjoined in writting so that you are now in possession of the whole." Mass. Hist. Soc., Pickering Papers, XL. 53.

³ As quoted by Madison (see no. 657, note 3, *ante*) the whole clause is *quam quorumcunque Principum et Statuum quorum interesse poterit*. Adams's letter of Aug. 18 is in Wharton, *Rev. Dipl. Corr.*, V. 665; the quoted remarks are in a foot-note. See also Adams to Laurens the same day (*ibid.*, p. 667). See no. 714, *post*.

[661]¹ N. Y. State Lib., Clinton Papers, no. 4831.

² See no. 662, *post*. There is no record in the *Journals* of the reading and commitment of these papers. A brief personal letter to L'Hommedieu Oct. 15, mentioning certain enclosures, is in *Clinton Papers*, VIII. 45.

[662]¹ N. Y. State Lib., Clinton Papers, no. 4828A.

been often taken up—Substitutes proposed, amendments made etc. but yesterday the same was agreed to as amended agreeable to the inclosed Copy. The Resolution in the said Report recommending Peace and Hoarmony in that District, being a Milk and Water Peace of Business, is committed to a New Committee. A Question will now be put on the Report of the 17th of April last: The Necessity of gitting clear of that Report is urged, and that a Determination on the same will deside the great Question respecting the Jurisdiction of the Grants. I fear it will only create delay, and altho there is no probability of more than four States to the Report of the 17th, it is to be feared that the Votes of seven States cannot be obtained at present to declare in so many Words, that Vermont shall not be received in to the Federal Union, or be suffered to become an Independent State. I have thought the present Time very favorable for a Determination against their pretended Claims, but some Circumstances which would be imprudent to mention in a Letter by a Post Conveyance, makes me doubt of the success. I hope I may be mistaken. next week I think will determine what we may expect from Congress on this Subject.²

P. S. Your Excellencys official Letter with the Inclosures since writing the above, have been received by us in Congress. The Papers are just now read and committed to the Committee I mentioned before. I hope they will have a good Effect in shewing the Necessity of a speedy decision of the Controversy.³

663. ELIAS BOUDINOT TO THE GOVERNOR OF NEW JERSEY
(WILLIAM LIVINGSTON).¹

PHILADELPHIA, Octr. 23d, 1782.²

Dear Sir,

I have long been of opinion that in all great Questions, which are agitated in Congress, especially relating to domestic Concerns, the Delegates from each State should consult their respective Constituents, when it may easily be done, at least as to general Principles. The Legislature being now met, I must beg leave, through your Excellency, to state to them the leading facts of a very important and interesting Question now under the Consideration of Congress, and which is set down for determination on Wednesday next; on which I hope for the Legislatures Instructions, on such general Principles as will necessarily lead to the final determination. The dispute I refer to, is that of the People on the New

² A copy of the report which accompanied this letter was in the Clinton Papers, no. 4828B. It is printed (with emendations) in the *Journals*, under Oct. 17. The *Journals* do not mention the consideration of the Vermont question between Oct. 17 and Nov. 5. See no. 651, note 3, *ante*, nos. 663, 666, 669, *post*.

³ See no. 661, *ante*.

[663]¹ Princeton Univ., case 3, no. 1113; Library of Congress, Boudinot Papers (copy); Boudinot, *Life of Boudinot*, I. 254.

² Boudinot wrote to Lewis Pintard Oct. 22: "I am surprised at you supposing a doubt about my Return this Fall, if my Health is spared. I am decided on my not attending in Congress this Winter unless something very unexpected and extraordinary relating to Peace should turn up" (Hist. Soc. of Pa., Boudinot Papers, II. 107). See no. 678, *post*.

Hampshire Grants, calling themselves the State of Vermont. When I took my seat in Congress, I found this Controversy on the Table of Congress, having been submitted to their Determination previous to the Confederation, by the States of New Hampshire and New York, and the People stiling themselves the State of Vermont, on the principles of the Confederation then in an incomplete, unfinished state. A hearing was thereupon had before Congress, when the States of New Hampshire and New York produced many documents in support of their different claims (Massachusetts one of the claiming States, not attending but agreeing to relinquish their Right, provided the district was made an independent State) the first founded on this Territory being within their Purchase under the Plymouth Company, and long possessed by them—the second adding to a continual Claim the determination of the King in Council in the year 1764 in their favour founded on the Patent to the Duke of York. The People of Vermont urged their having been several years independent *de facto* and in the exercise of sovereign Power protested agt. any Power in the World interfering with it and insisted that their Boundaries only were submitted to the determination of Congress. Thus the Business stood undetermined, when we were informed that Vermont had extended her Claim and Jurisdiction Eastward into New Hampshire, where 51 Towns had voluntarily submitted to her Authority; and to the Westward, she extended quite to the North River—That the People were defending themselves agt. the States of New Hampshire and New York by force of arms. Soon after, we recd. authentic Intelligence that some leading People in Vermont had met Commissioners from General Haldiman, with whom Terms had been agreed on, for a Submission to Great Britain—That these Terms had been sent to the Commissioners for Peace etc. at New York for their Ratification, and by them to England for Instructions—That General Clinton laid great Stress on this Measure and had expressed Hopes thereby to conquer the Northern States.

The peculiar Circumstances of this People and the danger of a civil war among ourselves, at a Time when we found difficulty enough, in carrying on the war agt. the Common Enemy, led Congress to leave the Ground on which the dispute, as submitted to them, then stood; and considering themselves the Guardians of the general Interests of the United States, and in duty bound to prevent every Injury to the union and particularly such as threatened their Existence as a Nation, took the matter up, in a general and extensive View and with the Consent of Nine States, passed the Resolutions of the 7th and 20th of August 1781. The People of Vermont were then met in general Assembly, including representatives from the Eastern and Western Incroachments. These together imprudently rejected the Terms proposed by Congress in those resolutions. But soon after, before any farther Steps taken by Congress, their Assembly again met, and by a public Act, relinquished and disclaimed those Incroachments, thereby complying with the Terms proposed and immediately forwarded delegates to Congress.

A Committee was accordingly appointed to Confer with these Delegates or Commissioners, who reported to Congress, as appears by the Journals; but no determination on this report could be obtained, it being alleged that Congress was not bound by the sd resolutions of August, and New York solemnly protested agt. the Power of Congress to determine otherwise than agreeable to and under the Submission, which also appears on the Journals.³ Your Excellency will see the reports and Acts of Congress on the printed *Journals*, I left with the House last Fall. The great Questions necessary for the Consideration of Congress, I consider will be

1st On the Submission of the sd States, ought Congress to determine, any part of a former Colony (who have separated from the same, at the beginning of the revolution, and are in the actual Exercise of an independent Sovereignty *de facto*) to be independent *de Jure* and receive them into the Union as a fourteenth State.

2d Can Congress as sovereign Guardians of the United States, when they conceive the general Safety of the common Cause shall require it, receive into the Union as a separate State, any Territory and People in the actual Possession of Sovereignty and Independence *de facto*, without examining into and determining the Right and Title of such People *de Jure*.

3d In the present State and Circumstances of the People styling themselves the State of Vermont, ought Congress to receive them into the Union, as an independent State agreeable to the resolves of 7th and 20th August 1781.

4th In case Congress shall refuse to receive them (as is most likely) ought the Delegates of New Jersey to agree to the sending the Continental Army or a sufficient part thereof, in the sd Territory, to subdue the Inhabitants to the obedience and Subjection of the State or States that claim their allegiance.

In the past altercations on these subjects, your Delegates have generally considered the Congress as Sovereign Guardians of the whole Union, and that they ought to prefer the general Good to every private Interest of a particular State.

That the shedding the Blood of our Citizens, and all civill war among ourselves, at so critical a period, should be strenuously avoided—That a sovereignty and Independence *de facto* was a sufficient reason under the Circumstances for Congress to admit into the Union, without examining into the Right *de Jure*, agreeable to the strong reasoning of his most Christian Majesty, in his answer to the Justificative Memorial of the King of Great Britain, sent herewith.

If your delegates have acted contrary to the Opinion of their Constituents, they wish to be set right, while it is in their Power to prevent any evill Consequences arising from it. We have reason to believe, that the Matter will certainly be brought on, on Wednesday next.

I have two reasons for pressing the Sentiments of the Legislature on this subject—1st It has been asserted, that we have been acting contrary

³ The course of the Vermont affair during the year 1782 may be readily traced by means of the index to the *Journals* and the index to this volume of *Letters*.

to the Opinion of our State. 2dly I claim 1000 Acres of Land, in this Territory under the Titles of New Hampshire and New York both, and altho I consider them as of but very trifling Value, yet it may hereafter be objected, that I was influenced by considerations, which I hope ever to despise.

Your Excellency by laying this Letter before the Legislature, and communicating their Sentiments will much oblige me.

I have also another Matter relative to the Interest of the State, to lay before the Legislature, that I think worthy their Notice. The united States are looking forward to the calling in the Quota's of the States, of the Continental money. An alarm has gone forth, that the State of Massachusetts has in their Treasury so large a Portion of this Paper, that some of the deficiency States will be obliged to purchase of her at a high rate. I have lately discovered that Connecticut has sent an Express Messenger to Virginia and purchased a Sum equal to her deficiency at a very low Rate indeed. If our State has not made up her Quota, it would certainly be a prudent step to appoint some Person to purchase the sum wanting without delay. It can be now had in Virginia, at 5 or 600 for one. It is my Duty to make this Communication, the Legislature will make such use of it, as they may think convenient.⁴

[P. S.] This letter was to go by Mr Condit, but he left Town without acquainting me with it.

664. RALPH IZARD TO JOHN LOWELL.¹

PHILADELPHIA 23d Octr. 1782.

Dear Sir,

. . . . We flatter ourselves that in the course of a fortnight we shall receive accounts of the evacuation of Charles Town, as we have had repeated intelligences from New York that a considerable number of Transports are gone thither for the purpose of bringing off the Garrison. It is high time that our unhappy Country should be relieved from her distresses. Your State at present is very respectably represented. But I am very sorry to find that Mr. Jackson purposes to set out soon for Boston; and the more so, as I can not learn that there are any hopes of our seeing you here this Winter. It certainly is of considerable importance that your State should be kept properly, and constantly represented; and I wish it were convenient for Mr. Jackson to stay until the arrival of his Successor.

⁴ Cf. no. 659, *ante*, and nos. 665, 693 (note 2), *post*. It is not entirely clear just what gave rise to the discussion of the subject at this time, but it appears to have been brought definitely before Congress through a letter of the assembly of Massachusetts, dated Oct. 21, read in Congress Nov. 26. See the *Journals* of that date (p. 754 n.) and Dec. 24; also Madison's Notes of Debates for the same days (*Journals*, XXIII. 854, 872).

[664]¹ Furnished by the courtesy of Mr. Charles E. Goodspeed of Boston; Mass. Hist. Soc., *Proceedings*, first ser., IV. 381.

665. THE NORTH CAROLINA DELEGATES TO THE GOVERNOR OF
NORTH CAROLINA (ALEXANDER MARTIN).¹

PHILADELPHIA, October 25th 1782.

Dear Sir:

In our Letter to your Excellency of the 22nd Instant we transiently mentioned the Continental Money. On a review of what we then wrote the subject appears to deserve further explanation. The State of Massachusetts has not only collected by Taxes her full Quota of Continental Money, but she has a considerable balance in hand which she also requires that she may be allowed to pay into the Public Treasury at 40 for 1. As every State has been called upon to sink its quota of that paper which was expressly fixed at 40 to 1 it seems that Massachusetts has an indubitable right to discount her Quota. She contends that if she did her duty when other States neglected theirs, it does not follow that she ought to suffer by her punctuality. We cannot, on principles of honor and good faith, dispute her claim, but we contend that Massachusetts shall not be allowed to pay in more than her Quota for two very plain reasons. The first is that the money is not worth the price that it will be valued at, and the other is, that if Massachusetts is permitted to pay more than its quota other States must be speculated upon, or, what is worse, they must make good their Quota by one Silver Dollar instead of 40 such Paper Dollars.²

Virginia having called in large sums of paper has also applied to Congress that an Inspector be appointed in the State who shall examine the money, destroy Counterfeits and cut or deface the remainder to save the expence of sending the whole to Philadelphia to be examined. Other States have asked for the same indulgence.³

666. JOHN TAYLOR GILMAN TO THE PRESIDENT OF NEW HAMPSHIRE
(MESHECH WEARE).¹

PHILADA. Octr. 29th 1782.

Sir,

In a Letter which I wrote you on the 25th Ult. I mentioned that Some Representations had been made to the Delegates of New-York from the Govr. of that State Respecting the Conduct of Vermont. Those papers have been under the Consideration of a Committee, and the last Week Congress Assigned the 30th Instt. further to Consider of, and determine this matter.² Several Persons are now here who say they have been Robbed of their property, and that their persons are banished, by the authority of Vermont, in Consequence of their adherence to the Government of New York, without doubt you have full Information of those Transactions so that I need not be particular. The present Situation of

[665]¹ *N. C. State Recs.*, XVI. 446 (signed by Williamson and Blount).² See no. 663, note 4, *ante*.³ See the *Journals*, Sept. 18 (p. 590).[666]¹ *N. H. Hist. Soc.*, Weare Papers, XI. 75; *Harvard Univ. Lib.*, Sparks MSS., XXXV. 77; *Library of Congress, Force Trans.*, *N. H. Recs.*, Council Corr., 1782-1788.² The assignment here referred to is presumably that noted in the endorsement on the report found in the *Journals* under Oct. 17. See no. 662, *ante*, and no. 669, *post*.

these matters seem to Require that a Final Determination Should now be made, but their are many Obstacles in the way. Various Resolutions on this Subject have been passed at different Periods, and at present their Seems to be much division of Sentiment Respecting the matter, what will be Concluded on, or when a Final Determination will take place I cannot Say, but Should be glad that the Hon'ble the Legislature would give Such Instructions Respecting the matter, as to them Shall seem meet.

I Suppose the Tax of Two Million Dollars is forwarded you by the Superintendant of Finance—you will see that the Quota Assigned to New Hampshire is in the same proportion as that of the late Tax of 1,200,000 Dollars, for payment of Interest. This proportion is not so high as that of the last Year to the Eight Million Dollars, but it is my fixed Opinion, that it is much more than it ought to be.³ Have no late Authentic accounts from Europe. a Packett from Falmouth has lately Arrived at New-York, do not know what Instructions the Commander there may have Received but from the Newspaper Accounts It would seem that they are Determined to prosecute the War. whatever their Ideas may be, it is Incumbent on us to be prepared for the Worst. . . .

I Inclose you a News Paper of this day

667. THE VIRGINIA DELEGATES TO THE GOVERNOR OF VIRGINIA.¹

PHILADA. Oct 29th, 1782.

Sir,

We yesterday recd. your Excellency's favor of the 19th instant. The contents of the inclosed paper are the whole of the foreign intelligence which has arrived since our last.

Some intelligence has been transmitted to Congress from the frontiers of N. York relative to preparations and designs in Canada which are far from corresponding with the pacific assurances held out in S'r G. Carlton's late letter to Genl. Washington. How far the intelligence is well founded must be left to the event.²

The British fleet at N. York had been busily making ready for sea and it is expected will soon sail from that Station. We have no intelligence of its destination. The W. Indies are the natural object of conjecture.

It is *reported* that on the arrival of the Packet at N. York Counter orders were immediately despatched to stop the evacuation of Charles-town.

We have the honor to be with the greatest respect

Yr. Excellency's Obt. Sevts.

J. MADISON JR.

THEO'K. BLAND JR.

³ See the quotas in the *Journals*, Sept. 10 and Oct. 18, 1782; also those of Nov. 2, 1781; cf. no. 632, *ante*. In an omitted passage Gilman remarks, "I have for some time past been Daily Expecting the Arrival of Judge White, but am hitherto Disappointed". Phillips White took his seat Nov. 4.

[667]¹ Copied from the original, then in the possession of Mr. Stan. V. Henkels of Philadelphia.

² See the governor's reply to this letter, Nov. 8, *Official Letters*, III. 369.

P. S. A Letter from Ge'l Washington just recd. corroborates the *report* of a vessel being sent to stop the evacuation of Charlestown.

His Excell'y Govr. Harrison

668. JAMES MADISON TO EDMUND RANDOLPH.¹

PHILADA. Octr. 29th, 1782.

My dear Sir,

. . . . Congress have been occupied for several days past with the case of [Lippencot, referred to them] by [General Washington.] On one side it was urged that the disavowal and promises by the [British Commander,] the [abolition of the] obnoxious [board of refugees] and the general [change of circumstances,] rendered [retaliation un]necessary [and in]expedient. On the other side it was contended that a [departure from the resolution] so [solemnly] adopted and [repeated] by [General Washington and] with equal [solemnity ratified by Congress] would be an [indelible blot on our] character, that after the confessions on [the part of the enemy of the deed] complained [of a] greater [inflexibility on our part] would be [looked for;] that after such confessions too [the enemy] would never suffer the [innocent to perish] if [we persisted in demanding the guilty;] and finally that if they should suffer it, [the blood] would [be on their heads not on ours.] No definitive [resolution has yet passed on the subject.] All the [intermediate steps] have been very properly entered [on the secret journals.]²

General Lincoln has just returned from the army. He has not yet made a report to Congress.³ He says I understand that his visit has had a very [salutary operation, but] that some [pay must be found for the army.] Where it is to be [found God knows.] The state of the public [finances] has already [compelled the Superintendant to] give a discharge to the former contractors, and to accept of a new contract by which [thirty] per Ct. is added to the price of a ration in consideration of credit for [three months.] He has on this occasion written a pressing exhortation to the States, which I suppose is accessible to you.⁴

Mr. [Carroll] moved yesterday a [resolution for accepting the] territorial cession [of New York.] It stands the order for today. I regret much on this occasion the [absence of Mr. Jones.] . . .

[668]¹ Library of Congress, Madison Papers, Ac. 1081; *Writings*, I. 248; *Papers*, I. 184.

² Bracketed words are written in the official cipher. Concerning the case of Richard Lippincott, charged with the murder of Capt. Joshua Huddy, see nos. 602, 612, 613, *ante*, 675, 677, 680, 682, *post*; also the *Journals*, Oct. 15, 17, 28, Nov. 8. Washington's letter, Oct. 25, is in *Writings* (ed. Sparks), VIII. 361. See also his letter to James Duane, Sept. 30, *ibid.*, p. 350.

³ See no. 656, *ante*.

⁴ Morris's letter to the states, Oct. 21, is in Wharton, *Rev. Dipl. Corr.*, V. 825. See also his letter to the President of Congress the same date, *ibid.*, p. 823; *cf.* his letter to Washington, Oct. 15, and that to Greene, Oct. 17, *ibid.*, pp. 817, 818.

669. JAMES DUANE TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

PHILADELPHIA, 30th October, 1782.

Dear Sir,

I take up my pen in Congress to inform your Excellency that Our Cession of Territory for the benefit of the United States is accepted. That of Virginia, under some Restrictions which are thought rigid, is suspended: but I have no doubt but this business will be accomodated. Your Excellency is apprized of the Principles which produced our Cession; they will do Honour to our State as well as promote its Interest.

This was the day for Vermont; but it is too much wasted; tomorrow will be devoted to it, and I hope soon to write to your Excellency the Issue. I refrain from any Opinion lest I should be deceived.²

P. S. Mr. Secy. Livingston is returned last night. He exposed himself by his long absence more than I wished.

670. THE PRESIDENT OF CONGRESS (JOHN HANSON) TO THE GOVERNOR
OF LOUISIANA (ESTÉVAN MIRÓ).¹

PHILADELPHIA, 31st October 1782.

Sir,

I had the honor to receive the two letters, which your Excellency was pleased to write on the 4th of May and address[ed] to Mr. McKean, my Predecessor, respecting Mr. Oliver Pollock. I immediately communicated them to the United States in Congress Assembled. The inclosed Resolution will satisfy your Excellency of the good disposition of Congress, and of their firm determination to do justice to Mr. Pollock; and as soon as possible enable him to satisfy the demands of those subjects of His Catholic Majesty, who have so generously aided him in his services for the United States.²

I pray God to have you in his holy keeping and grant you happiness and success in the administration of your Government.

671. JAMES MADISON TO EDMUND PENDLETON.¹

PHILADA. Novr. 4 [5], 1782.

Dear Sir,

. . . . Yesterday being the anniversary for the choice of a President, Mr. Boudinot of N. Jersey was placed in the chair for the ensuing year.²

[669]¹ *Clinton Papers*, VIII. 49.

² See no. 666, *ante*, and no. 673, *post*.

[670]¹ Library of Congress, President's Letter-Book p. 154 (addressed, "His Excellency Stephen Miro, Esq. Governor of Louisiana").

² See the *Journals*, Oct. 22. The *Journals* do not mention a letter from Governor Miró of May 4, but letters from Oliver Pollock, one of them dated May 3, were read in Congress June 20. Cf. no. 538, *ante*.

[671]¹ N. Y. Pub. Lib., Madison Papers.

² The election of the President took place on the 4th, therefore the letter should evidently have been dated Nov. 5.

The principle of rotation, altho' in no instance less proper, is applied with great firmness to the one in question by the States which have not yet filled the chair of Congress or which least expect a turn on any other principle.

The territorial cessions have again been a subject of deliberation in Congress and that of N. York separately accepted.³ The conditions annexed to those of Connecticut and Virginia will probably be sent down for amendment. The policy now on foot with respect to this business is explained pretty fully in my letter of this date to Mr. Randolph, and in cypher. You will permit me therefore to refer you to that source for further information.⁴ The same letter with the preceding one will also answer your enquiries concerning Lippincut and Asgill

672. DAVID HOWELL TO NATHANAEL GREENE.¹

PHILADELPHIA 5 Nov. 1782.

Sir,

A letter was read yesterday in Congress from Mr. H. Laurens. He expects to return to England and take passage in the Nov. Packet for New York; should he tarry the winter in England thro' unavoidable casualties, he may be expected in the Spring. This mode of return to America, it seems, was demanded of the British as matter of right and not solicited as a favour. He has Dr. Franklin's concurrence in the measure.² No news.

Yesterday being the first day of the Congressional year, the Election of a President came on. On counting the Ballots, His Excellency Elias Boudinott Esquire, was declared duly elected. "The 5 pr. cent Impost is at present much the Subject of conversation in our government. The opposition gains ground, and will finally by a very great majority carry their point"

The above is an extract of a letter recd. from Home per last Post.

I wish to be favoured with your opinion on the particular in my late Letter to you the rather on account of the above intelligence.³

You must have been informed particularly of the cession of territorial claims heretofore made by Connecticut, New York [and] Virginia. Congress lately accepted that of New York: The others will also be accepted when they shall be disencumbered of certain conditions, of which event there is ground to hope from the liberal Sentiments expressed by the Delegates of sd States.⁴

The Western territory only to Lat'de 45 ceded to the U. States would be an important Fund for restoring public credit in the opinion of many.

. . . .

³ See the *Journals*, Oct. 29, 30; also no. 668, *ante*, and nos. 672-675, *post*.

⁴ The letter to Randolph is no. 675, *post*.

[672]¹ Copied from the original, then in the possession of Mr. Stan. V. Henkels of Philadelphia.

² See Madison's Notes of Debates, Nov. 4 (*Journals*, XXIII. 843), and no. 673, *post*.

³ Presumably the letter of Oct. 18 (no. 652, *ante*).

⁴ See nos. 611, 671, *ante*, 673, 675, *post*.

673. EZRA L'HOMMEDIEU TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

PHILADELPHIA NOV. 5, 1782.

S'r,

In my last Letter to your Excellency I inclosed a Copy of the Report of a Committee respecting the Hostilities which had taken Place in Cumberland County and which was to have been determined on last Wednesday; but the Report of the 17th of April tho often taken up has from Time to Time been postponed and is not yet determined on, and I believe never will be. Yesterday when the Question was ready to be put, The advocates for Vermont, who had brought in this Report and insisted that nothing could be done till the sence of Congress was taken on the Same, which they alledged, ought to as soon as possible, were now as anxious to have it postponed *sine Die*: and the Question being put, it was carried in the Affirmative.² It is not unlikely that at first they supposed a great majority might be in favour of the Report refered to, but finding only Two or Three States inclining to Vote for it, they did not choose to have any Decision upon it. It is possible, from the beginning nothing more was intended by some, than such a Delay of the Business that nothing finally should be done. for my own Part I am not disappointed, it has ended as I had reason to fear of which I informed your Excellency. It is very evident that but three or four States will Vote for the Independence of Vermont and at the same time the Vote of Seven States cannot now be procured to say they shall not be received into the Federal Union. It is strange that even the Criminal Correspondence, with the Enemy of these People, the late violent Acts of Hostility and their Disobedience to the Orders of the United States, is made use of, by their Advocates, as arguments to shew the Necessity of recognizing their Independence. even the Name of an illustrious Carecter has been mentioned as having incoraged those People, that their Independence would be granted by the United States. There can now be no Excuse for not determining what measures shall be taken for Preserving the Peace in that District of Country, and for restoring the unhappy sufferers to their Liberties and Estates. I should be very happy if something could be agreed on which would answer those Valuable Purposes. I hope something effectual will be done and that my fears in that respect are groundless. I think within Two or Three Days we shall know the Result. . . .

The Cession of our Western Territory, after much Debate, has been accepted by Seven States including New York. it is proposed by those Lands to establish a Fund for paying Interest of Moneys Loaned and public Debts; but whether the public Creditors will be satisfied with such security, is doubtful.³ . . .

[673]¹ N. Y. State Lib., Clinton Papers, no. 4842.

² These proceedings are recorded in the *Journals* under Nov. 5, therefore, since L'Homedieu speaks of them as of "yesterday", it seems probable that this letter was written Nov. 6. See no. 662, note 2, *ante*, nos. 676, 683, 684, 688, 691, *post*; *cf.* the *Journals*, Nov. 8 (p. 720 n.).

³ See the *Journals*, Oct. 29, and nos. 671, 672, *ante*, 674, 675, 699, *post*.

674. THE VIRGINIA DELEGATES TO THE GOVERNOR OF VIRGINIA
(BENJAMIN HARRISON).¹

PHILADELPHIA Novr. 5th 1782.

S'r,

We have been honord with your Excell'ys of the 26th of Octr. by this post. Congress have been informed by the Comm'r in Chief that the Army are gone into Winter Cantonments, the main body Hutting in the Vicinage of New Burgh on the North River (where head Quarters are fixd for the Winter;) by the same letter we are informed that 14 British ships of the Line, one 40 and Seven frigates with fourteen transports Sailed on the 26th Ult. from N: York (supposed for the W. Indies no mention is made of any troops being imbarqued with them) and also that on the arrival of the last Packet two Vessels were Immediately dispatched to Chas. Town; of the evacuation of which place we have yet received no Authentic intelligen[ce] and indeed it remains a doubt (rather increased by the dispatching the two Vessels above mentioned) whether this measure will take place, Since the late Change in the Ministry. We are told by a letter from Mr. Carmichael that the firmness of the Answers of the States to the Overtures of the British Court (through S'r Guy Careleton and admiral Digby) has had a very good effect, and has even met with the personal applause of the King of Spain, and that the Opinion of the foreign Ministers at that Court is that the Wisest thing Great Britain can do is to Conclude a treaty acknowledging the Independence of America. It is also said the Imperial and Russian Ministers have recd. fresh orders to offer the mediation of those two Courts, but this is unconfirmed Conjecture.² We do ourselves the Honor to Enclose for Yr. Excell'y the Vote of Congress for accepting the Cession of N. York. Elias Boudinot Esqr. of N Jersey was Yesterday elected our President for the Ensuing year. we have the honor to be with perfect Esteem Yr. Excell'y's most obedt. Se'ts,

J. MADISON JR.
THEO'K BLAND JR.

675. JAMES MADISON TO EDMUND RANDOLPH.¹

PHILA. Novr. 5th, 1782.

My dear Sir,

My last informed you that a proposition had been made in Congress for accepting the territorial cession of N. York. The paper enclosed contains the proceedings which ensued. The acceptance of this cession *singly* met with a negative from Virginia for obvious reasons. In the first place such a measure, instead of terminating all controversy as to the western Country, the object proposed by the original plan, introduces new per-

[674]¹ Copied from the original, then in the possession of Mr. Stan. V. Henkels of Philadelphia (addressed, "His Excellency Benj'n Harrison Esqr. Governor of Virginia Richmond").

² See no. 675, *post*.

[675]¹ Library of Congress, Madison Papers, I. 49; *Writings*, I. 251; *Papers*, I. 469.

plexities. And in the 2d place, an assent from us might be hereafter pleaded as a voluntary acceptance of the U. States in the room of N. York, as litigants against Virginia.

On the subsequent motion you will find Virga. divided. The proviso expressed in this motion if referred to the territory retained by N. York appeared to me to be at least nugatory, or rather to imply that a Resolution of Congress might operate towards depriving another State of the benefits of the Confederation; and if referred to the territory ceded by N. Y. to imply that the 9th art: was the constitutional rule of deciding controversies as well where the U. S. as where a particular state were the party. All that Congress could, as I supposed, have properly done, would have been to guard against any bias on future decisions by declaring that their acceptance of the Cession of N. Y. was not to be considered as expressing any opinion as to the rightful claims or limits of that State. But I did not feel myself at liberty to substitute such a proposition because it militated against the guaranty required by Virga. and would have prejudged that condition of her Cession.

The success of [the Middle States]² in obtaining the cession of N. Y. has given great encouragement: and they are pursuing steadily the means of availing themselves of the other titles. That of Connecticut is proposed for the next object. Virginia will be postponed for the last. By [enlisting the two preceding] into [their party they hope to render their measures more effectual with respect to the last].

Besides the effect which may be expected from this [coalition with New York] on [territorial questions in Congress] it will I surmise prove very [unfriendly to the pretensions of Vermont. Duane] seems not un[apprized of the] advantage which [New York has gained,] and is already [taking measures for a speedy vote on that question.] Upon the [whole New York has] by [a fortunate] coincidence of circumstances, [or by skilful management or by both] succeeded [in a very important object: by ceding a claim which was tenable] neither [by force nor by right she has] acquired [with Congress the merit of liberality] rendered the [title to her reservation more respectable and] at least damp[ed] [the zeal with which Vermont has been abetted.] If you should be [surprized that] these considerations did not [dissuade Connecticut from an unqualified acceptance of the cession of New York] you will only be [affected] as others [were at the time.] The truth is [they were surprized at it themselves after it was too late and] would gladly [have revoked their error.]³

You were also informed in my last of the situation in wch the affair of Lippencut remained. In the midst of our [perplexities] a letter arrived from Genl. Washington inclosing an intercession from the Count de Vergennes in favor of the life of young Asgill, founded on a most pathetic and importunate memorial from his mother. The Ct. writes to Genl. Washington, as he says not in the quality of a public minister, but of a

² Words in square brackets in this letter are written in cipher. The code used in this instance, as also in most of Madison's letters during the remainder of the year 1782, is the official cypher mentioned under no. 484, note 2, *ante*. See the last paragraph of this letter and no. 722, note 4, *post*.

³ See no. 671, *ante*.

man who feels the force of Mrs. Asgills supplications. He backs his intercession however, with the desire of the King and Queen who were much affected with the memorial, observes that, altho' Asgill is no doubt a prisoner to the U. States, yet as he became such by an event to which the arms of his Majesty contributed, the interest he takes in behalf of this officer, is the more admissible, and signifies that if the British commander should not in this instance fully comply with the demands of Justice there is reason to believe that future instances of barbarity will be prevented.

The judgment [formed of] this [intercession by] different [members is very different.] All [agree that] retaliation [cannot be executed in the face of it, but some] are of [opinion] that [it] luckily [affords and ought to be made the ground of re]treat [from that measure; whilst others suppose] that [our honour will be more wounded by such a public mark] both [of our obsequiousness to France and of her disapprobation of our views than by a retreat of ourselves on the ground of] Carlton's [promise to continue his pursuit of the] murderer. [Some fear also that an omission in our act of the wish] expressed [on the part of the King and Queen of France] may [give umbrage. Others again] infer from the circumstances [of the letter from the count being] addressed to [General Washington not to Congress and in his private not official quality] that a [public notice of it can not be expected and] that [a private] explanation [by the secretary of] foreign affairs [to the minister of France will be as much as will be proper.]

The [minister also] received [an instruction to interest himself in the affair and had even] prepared [a memorial to Congress relative to it.] Having [discovered however the diversity of] sentiments [prevailing in Congress and being apprehensive] that [his interposition] might render [the case more perplexing and] possibly [be not treated with due notice in the final act of Congress he has very prudently desisted from his purpose.]

Untill Congress shall have come to some decision with respect to the notice to be taken of [the intercession above-mentioned] I would not wish it to be *generally* spoken of from this letter.⁴

⁴ See no. 668, *ante*, and nos. 677, 680 (note 3), 682, *post*. The hanging of Capt. Joshua Huddy took place on Apr. 12, and the matter was brought to the notice of Congress through a letter of Washington Apr. 20 (read in Congress Apr. 29), transmitting sundry statements and depositions relative to the incident (see a letter from Gen. Henry Knox and Gouverneur Morris, written from Elizabethtown Apr. 16, in *Letters to Washington*, ed. Sparks, III. 500). May 10 Washington transmitted to Congress the correspondence relative to the Huddy case and to the selection by lot of Capt. Charles Asgill as the British officer upon whom retaliation was to be inflicted. This letter was read in Congress May 14. August 19 Washington transmitted the correspondence respecting the court-martial of Capt. Richard Lippincott, the British officer charged with responsibility for the murder of Captain Huddy. The letter was read in Congress Aug. 26. For proceedings in Congress upon recent phases of the affair see the *Journals*, Oct. 15, 17, 28, 29 (p. 695 n.), Nov. 7, 8, and Madison's Notes of Debates Nov. 7 and 8 (*Journals*, XXIII. 845, 847). For the voluminous correspondence relative to the affair consult the *Calendars* of Washington's correspondence. The more important of Washington's letters are in *Writings* (ed. Ford), IX. 472, 478, 978, X. 2, 4, 9, 23, 25, 28, 69, 87, 105, 106. The letter from Vergennes to Washington, July 29, and the letter from Lady Asgill to Vergennes, July 18, are in Wharton, *Rev. Dipl. Corr.*, V. 634, 635.

Yesterday being the 1st Monday in November, the vacant chair was filled by Mr. Boudinot. The distribution of the votes was as follows. for Mr. B. [New Hampshire, Rhode Island, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland] for Mr. [Bland, Virginia, South Carolina] for Mr. [Rutledge, North Carolina] for Mr. [Nash, New York.] Massachusetts had no Delegate present but Mr. Osgood. Georgia was wholly unrepresented. As you were present at the last election I need not recite to you the motives to the one in question.⁵

Your favor of the 26th past was duly received yesterday. I am anxious for the new cypher which it promises as well for my own use as yours, and for the same reasons. I conclude from your silence as to my late communications in L——ls Cypher that the key I sent you some time ago answered its purpose.⁶

676. PHILLIPS WHITE TO THE PRESIDENT OF NEW HAMPSHIRE
(MESHECH WEARE).¹

PHILADELPHIA, Novr 6th 1782.

Sir,

I arrived here last Thursday noon, was detained by the way two days on business, and three by rain. Congress is informed by Letter from Genl. Washington, that the N. Hampshire line are to winter near West point (where the army from King's Ferry have taken Winter Quarters) and that the Rhode-Isleand line supply their place.² The affair of Vermont is now before Congress it does not appear likely that there will be a final determination on the matter at present. the Deligates from N. Hampshire wish to have particular instructions respecting the same. Mr. Gilman informs me that he has wrote to your Hon'r on the subject.³ I am with due respect your Honours Humble Servt

P. WHITE.

677. DAVID HOWELL TO MOSES BROWN.¹

PHILADELPHIA Nov. 6 1782.

Kind Friend,

. . . . Your humanity will lead you to enquire about the fate of Asgill the intended victim to attone for the death of Huddy. His parents have written a most affecting letter to the French Court requesting their inter-

⁵ Cf. Madison's Notes of Debates, Nov. 4 (*Journals*, XXIII. 843). The *Journals* contain only a record of Boudinot's election. No cipher for "North Carolina" is in the manuscript, but "N. C." has been inserted in the interlinear translation. Madison's notes record that the vote of North Carolina was given to Rutledge. Passages relating to Carmichael's letter of July 8 (Wharton, *Rev. Dipl. Corr.*, V. 600), Laurens's letter of Sept. 5 (*ibid.*, p. 693), Washington's letter of Oct. 30 (see no. 674, *post*), and Jones's illness are here omitted.

⁶ See no. 603, *ante*.

[676]¹ From the collection of the late Adrian H. Joline of New York.

² This was Washington's letter of Oct. 30, read in Congress Nov. 4 (see the *Journals*, p. 711 n.); cf. nos. 674, 675, *ante*.

³ See nos. 659, 666, *ante*; cf. nos. 691, 696, 710, 720, *post*.

[677]¹ R. I. Hist. Soc., Moses Brown Papers, IV.

cession in favour of their Son. Count De Vergennes in consequence of it has in his private capacity and not as Minister sent a Letter to Congress interceding for the life of that unfortunate young officer. He mentions that the King and Queen of France are greatly affected at the expected fate of the victim—that they wished their feelings on the occasion to be known on this side of the water and that should it be consistent with the national honor of this Country his release would be a very grateful event to their Majesties. The Count adds that as Asgill is a prisoner of York Town, he hopes it will be remembered on this occasion that the laurels of that day were acquired by the joint arms of France and America and that his Intercession may receive some weight from that Consideration.

Sir Guy Carleton had ordered a Court-martial on Leppincut who acquitted him; these proceedings had been sent out to Genl. Washington and enclosed by him in a Letter to Congress. This Letter with all the papers in the case had been referred to a Committee which had made a report in the case and that report had been under Consideration in Congress and warmly debated before the arrival of the Letter of Count De Vergennes.

The report of the Committee would have taken Asgills life, but it met with opposition. I moved to have that part of the report struck out which would affect his life; I was seconded by Mr. L. Homedieu from N. York, a vote was taken and it was struck out, whereupon the report was recommitted. In this Stage the intercession from the French Court found the business. The Counts Letter with that of Asgill's parent to [him?] are referred to the same Committee and they set this day on the business.²

678. ELIAS BOUDINOT TO LEWIS PINTARD.¹

PHILADELPHIA Nov. 6th 1782.

My dear Sir,

How vain are all earthly Expectations. I was pleasing myself with the hopes of soon seeing you and enjoying my Winter in Sociable Festivity with my Friends of the Ridge. You will undoubtedly, e'er you receive this, have been informed of my dissappointments, and the improbability of my seeing you this twelve months to come, unless you visit me. So it is and so it must be.²

679. ELIPHALET DYER TO THE GOVERNOR OF CONNECTICUT
(JONATHAN TRUMBULL).¹

PHILADELPHIA, Novr. 8th, 1782.

Sir,

. . . . Am very sorry our delegates delay so long their coming, as the State must be unrepresented, perhaps for near a month, in a critical season

² See the *Journals*, Nov. 7, 8; also nos. 668, 675, *ante*, 680, 682, *post*.

[678]¹ Hist. Soc. of Pa., Boudinot Papers, II. 108.

² Boudinot evidently alludes to his election as President of Congress. See no. 663, note 2, *ante*.

[679]¹ Mass. Hist. Soc., *Collections*, seventh ser., III. 397.

and when they will be much wanted. Mr. Huntington expects to set out on Saturday; he would tarry a few days longer, but as I must set out for Trenton on Monday, if he remained the State could not be represented, and which also must be the case if I should return in 8 or 10 days from Trenton, till the arrival of those gentlemen who propose to come. We are unhappy in not keeping up a representation of the New England States, which has been the occasion often of many things passing in Congress very disagreeable to them and contrary to the genius of the people there. New Hampshire is but just now represented for the whole time I have been here, but at the same time Massachusetts have lost theirs, and not like to be represented for some time; Rhodisland have been but part of the time. The winter season is the time to rectefye mistakes, as well as to lay out plans for the next season, but if the States will not take care of their representation, they must blame themselves. . . .

As Mr. Huntington will probably arrive as soon as this letter, and will be able to communicate every thing needfull, I might have spared troubling your Excellency with much I have wrote already; have inclosed a list of the proportions of the several States which I mentioned in my former letter, with my observations thereon, tho after found I had omitted to inclose it at that time. Mr. Boudinot of the State of New Jersey, a gent'n of good carracter, virtuous, and decent behavior, was elected President of Congress on Monday last for the year ensuing; the choice was clear, no strift, as it is the prevailing inclination of Congress, to proceed in course through the States when it can be done with propriety, Jersey having none before.

680. THE NORTH CAROLINA DELEGATES TO THE GOVERNOR OF
NORTH CAROLINA (ALEXANDER MARTIN).¹

PHILADELPHIA, Nov. 9th, 1782.

Dear Sir:

The Resolutions of 3rd October and 10th December, 1781, have doubtless been forwarded to Government pressing the filling up the Continental Battalions by enlistments for three years or during the War. Since the dates of the above requisitions Congress have been urged by the dictates of necessity and prudence to make reforms in every department where money could be saved. The Resolves of August 7th, 1782, were in consequence of that plan and are a part of the system. It is clear that almost every Officer in the North Carolina Line would be deranged on the first of January in consequence of those Resolves and yet you will find, when the Journals are handed you, that Mr. Blount and myself did not think fit to oppose the measure on general ground nor to mar the Journals by unavailing Yeas and Nays. We yielded to the Storm of Necessity. A measure which the general good of the Army demanded, which had been recommended by the Commander-in-Chief and had been digested in Congress was not to be rashly opposed by a State, to whom they would certainly reply, that we had been absolutely inattentive to the Requisitions

[680]¹ *N. C. State Recs.*, XVI. 455 (signed by Williamson and Blount).

of Congress, while other States at a great expense were filling up their Battalions by long enlistments.

After two months when the business had subsided sufficiently we presumed that we might, without much opposition, obtain relief for the State, provided we could couch it under some colourable excuse.

Accordingly, October 9th, 1782, on motion of Mr. Williamson, seconded by Mr. Blount, that a Committee be appointed to consider whether the Officers and Troops belonging to the Line of some States in the Union may not be so affected by the Resolves of August 7th respecting the Army as to injure the public service, the same was referred to Mr. Williamson, Mr. Montgomery and Mr. Bland. From what passed in Congress when the motion was made it was very clear that opposition would be made to every measure that might be attempted to give particular Indulgences, as they were called to particular States. However, as all that we desired was to obtain a Vote for keeping our Officers and Men on the establishment, you will observe the means by which we attempted it. The Report was drawn up in Terms which could hardly give offence to anybody; and being Chairman of the Committee I gave it in as soon as a report prevailed that the enemy were about to continue in Charlestown, for, by the way, it has always been questioned whether the enemy would evacuate that port. Their plan at least appeared doubtful. The Report of the Committee, after some debate, was referred to the Secretary at War to report. The Secretary reported that the general arrangement of the Army could not be materially injured by adopting the measure we had proposed. Whence the report, after a second debate, was agreed to in Congress on the 4th Instant. It was in these words, *viz*:²

Thus you see our Troops continue on the same footing they would have stood if no Resolves on the Subject had passed. If the General needs them he will keep them in the Service, and if a Period should happen when good Troops are not wanted they will be requested to march home and try to replace the numerous Soldiers and Citizens we have lost during the War by getting more. . . .³

² See the *Journals*, Oct. 9, Nov. 4. According to the endorsement on Williamson's motion of Oct. 9 the committee brought in its report Oct. 28. This report (without date) is placed in the *Journals* under Nov. 4, designated as a "motion" of Williamson. In this letter the preamble and the resolution as passed are quoted. The resolution as adopted differs from that reported by the committee only in the addition of the last clause, which was suggested by the secretary at war. The secretary's report, dated Nov. 1, is also found in the *Journals* under Nov. 4.

³ The passage omitted here relates to the Asgill matter. See nos. 668, 675, 677, *ante*, the *Journals*, Nov. 8, and no. 682, *post*; also Samuel Wharton to George Read Nov. 10, in *Life of Read*, p. 369. Elias Boudinot, in his *Reminiscences*, has given a history of the affair. His narrative, from the time when Congress was informed of the outcome of the court-martial of Lippincott, is as follows:

"Congress took the matter under full Consideration, during which Genl. Sir Guy Carleton arrived at New York with the Title of Commander in Chief and the preliminary Articles of Peace were announced. Genl. Washington then wrote to Congress, that he had first proposed the retaliation on Capt. Asgill as an Act of Mercy on the whole, to put a stop to the Enemy destroying the Lives of our Citizens in future as they had done in times past. That he had determined to carry it into execution, not being satisfied with the result of the Court Marshal. But that unexpectedly the preliminary Articles of Peace had wholly changed the ground. The Execution of an innocent Person ought to have an object in View to prevent the unnecessary Shedding of blood. That the Example now

681. JAMES MADISON TO EDMUND RANDOLPH.¹

IN CONGRESS NOV. 12, 1782.

"Resolved."

This Resolution passed a few minutes ago. I sent you a line for the post but I fear too late. This catches Doctr. Tucker in the street proceeding by the State House. You will let it be known to Mr. J. as quickly as secrecy will admit. An official notification will follow by the first opp'y. This will prepare him for it: It passed unan: and with't a single remark adverse to it. On this subj't again by the post next week or by Col: B. if earlier.³ Adieu."

could not have any effect, as there would be nothing for it to operate upon, etc. etc. That therefore he should stay the Execution of Capt. Asgil, without an express order from Congress to the Contrary.

"A very large Majority of Congress were determined on his Execution; and a Motion was made for a Resolution, positively ordering his immediate Execution. Mr. Duane and myself considering the reasons assigned by the Commander in chief conclusive, made all the opposition in our power. We urged every Argument that the peculiarity of the Case suggested, and spent three days in warm debate, during which more ill blood appeared in the House, than I had seen. Near the close of the third day, when every Argument was exhausted, without any appearance of success, the Matter was brought to a close, by the Question being ordered to be taken. I again rose, and told the House, that in so important a Case, where the life of an innocent Person was concerned, we had (tho' in a small minority) exerted ourselves to the utmost of our Power. We had acquitted our Consciences and washed our hands clean from the blood of that young Man. That we saw his fate was sealed. That now we had nothing to do but to request that the proceedings should appear without Doors, as being equal to the occasion; and the World should know that we had conducted the measure with a serious Solemnity. That great warmth had been occasioned. Some harsh language had taken place. The Minds of Gent'n had been irritated. I therefore moved that the Question should be put off till the next morning, on the Minority giving their Words, that they would not say another Word on the Subject, but the Question should be taken in the first place, after the meeting as of course. This was unanimously agreed to.

"The next morning as soon as the Minutes were read, the President announced a Letter from the Commander in Chief. On its being read, he stated the rec't of a Letter from the King and Queen of France enclosing one from Mrs. Asgil the Mother of Capt. Asgil to the Queen, that on the whole were enough to move the heart of a Savage. The substance was asking the life of young Asgil. This operated like an electrical Shock. Each Member looking on his Neighbor, in surprize, as if saying here is unfair play. It was suspected to be some scheme of the Minority. The President was interrogated. The Cover of the Letters was called for. The General's Signature was examined. In short, it looked so much like something supernatural that even the Minority, who were so much pleased with it, could scarcely think it real. After being fully convinced of the integrity of the Transaction a Motion was made that the Life of Capt. Asgil should be given as a Compliment to the King of France. This was unanimously carried. On which it was moved that the Commander in chief should remand Capt. Asgil to his Quarters at Lancaster. To this I objected. That as we considered Capt. Asgil's life as forfeited, and we had given him to the King of France, he was now a free Man, and therefore I moved that he should be immediately returned into New York, without exchange. This also was unanimously adopted, and thus we got clear of shedding innocent Blood." [At this point is added the phrase: "by a wonderful interposition of Providence"; but the words appear to have been interpolated at a later time by a hand other than Boudinot's.]

The original manuscript of these reminiscences (the text of which is here followed) is in the John Carter Brown Library. There is a printed text in Boudinot, *Life of Elias Boudinot*, I. 247.

[681]¹ Library of Congress, Madison Papers, I. 52; *Writings*, I. 259.

² The resolution of Nov. 12 renewing the appointment of Jefferson as minister plenipotentiary for negotiating peace. See Madison's Notes of Debates, Nov. 12 (*Journals*, XXIII. 848).

³ In a brief letter of the same date (Madison Papers, I. 51) Madison remarks, "Col. Bland proposes to set out in a few days for Virginia on private business which he

682. JOSEPH JONES TO EDMUND PENDLETON.¹

PHILA: 12th Nov. 1782.

D'r S'r,

. . . . Mr. Asgill, from the delay that has taken place in consequence of the correspondence between Genl. Washington and Genl. Clinton and after with S'r Guy Carlton on his Case, and the submission of it by the Com'r in Chief to Congress for final decision, will escape the doom to which his lot had consigned him. Congress having lately directed the Genl. to release him, and to demand a compliance of S'r Guy with his assurances, that every measure in his power sho'd be employed to detect and bring to punishm't the guilty, as by the inquiry instituted by them Lippincut, the supposed offender, had been acquitted of the charge. this business will I expect produce no other consequences than reproaches on Congress. the interposition of our good ally and his Amiable consort produced by a pathetic address from Lady Asgill and made thro' the C't Vergennes to Genl. Washington to extend mercy to Capt. Asgill which had been communicated to Congress but not noticed in their proceedings on the question, has I presume had some weight in the ditermination.²

683. EZRA L'HOMMEDIEU TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

PHILADELPHIA Decemb. [November] 13, 1782.

Dear Sir,

In my Letter to your Excellency, of last week, I mentioned my Expectations of knowing in Two or Three Days What Releif the unhappy Sufferers in the County of Cumberland could expect from the Interposition of the United States in their Behalf. I was mistaken—we could not get a Report 'till yesterday. This Report is such an extraordinary a Production, that there does not appear to me the least chance of its being adopted; it will however answer the Purpose of Delaying the Business by committing or postponing the same. Such a Report was unexpected, altho Two of the Committe (the one from Massachusetts and the other from Rhoad Island) are open advocates for the Vermont Independence. I fully believe now, what I have feared, that nothing decisive by Congress will be done. This Report was to have been taken up to day, but there not appearing a Sufficient Number of States by Eleaven oClock, (according to the Rule) an adjournment took Place. Tomorrow it will be taken

expects will detain him some weeks". In a further brief letter of Nov. 14 (*ibid.*, I. 53) Madison says, "By a line dropped for the post, tho' perhaps too late to get into the mail, and by another by Dr. Tucker who soon followed, I informed you of the reappointment of Mr. Jefferson, that the act passed unanimously and without even an unfavorable remark".

[682]¹ N. Y. Pub. Lib., Misc. MSS., Jones (addressed, in Madison's hand, "The hon'ble Edmund Pendleton Esqr. Caroline County Virginia").

² See nos. 668, 675, 677, 680, *ante*, also Livingston to Adams Nov. 18 (Wharton, *Rev. Dipl. Corr.*, VI. 51). The original of Livingston's letter is in Haverford College, Roberts Coll.

[683]¹ N. Y. State Lib., Clinton Papers, no. 4887.

up, and after that Time I shall advise Mr. Phelps Shattuck and Evens to return, as it will answer no Purpose for them to continue longer in this expensive Place. They have spent all their Money and are considerably in debt, which in their Petition they have mentioned, but I believe will have no Relief in that respect, more than in the other, from Congress. We proposed setting of[f] for the State this Week had the Vermont Business been finished. We shall stay as long as we see the least Probability of any Thing being done for the Restoration of Property to our unhappy fellow Citizens in Cumberland County, or untill Colo's Floyd and Hambleton arrive, which I hope will be very soon.² We have no News except what is contained in the inclosed Papers.

With great Respect and Esteem I am your Excellency's most obedient and Hum'le Servt.

EZRA L'HOMMEDIEU.

684. JAMES DUANE TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

PHILADELPHIA 15th Novem'r 1782.

Dear Sir,

I had some Reason to hope that a decisive Act might before this have passed respecting the district of the Grants; but as not more than eight States are now represented, and I am under an indispensable necessity of returning home speedily, I despair of it. I trust so entirely to your Excellency's Candour that I do not fear we shall be accused of Want of Zeal for our Jurisdiction, or respect for our official Instructions: every thing on our part has been urged to produce a Determination: but this business, clogged by the heavy pressure of eastern Influence, has always moved heavily. A wish to procrastinate still prevails; even the most candid are apprehensive of the Consequences of driving the Vermont Faction to despair and no Pains are spared by the interested to sound this Alarm and give it every possible Impression. There seems however no danger that many of the States will ever Vote for the Independance of Vermont. If Justice was out of the Question, there are political Obstacles of vast weight: and the favorable Change of our Circumstances entitle us to hope that we shall never again see the dangerous Crisis to which we were reduced when the p——s² Resolutions of the 20th of August 1781 unhappily took place.

In the mean time the unhappy Sufferers from the late cruel Outrage demand our Compassion and our protection. A Report highly injurious to the Rights and the Honour of our State, fabricated by a Mass. and R. I. Delegate, was this moment rejected by all the States present, Rh. I. only excepted and New Hampshire divided.³ It has served to shew a clear

² See no. 673, *ante*, and no. 684, *post*. The report referred to is in the *Journals*, Nov. 14. There is no record of proceedings pertaining to it in the *Journals* for Nov. 12.

[684]¹ N. Y. State Lib., Clinton Papers, no. 4856.

² Pusillanimous? Pernicious?

³ These proceedings took place Nov. 14, therefore this letter should probably bear that date. The Massachusetts and Rhode Island delegates alluded to were evidently Osgood and Howell. See also Madison's Notes of Debates Nov. 14 (*Journals*, XXIII. 849), no. 683, *ante*, and no. 688, *post*.

alteration of Sentiment, with respect to Vermont; and leaves an opening to introduce some Motion in favour of those our distressed and much injured Fellow Citizens: but nothing which promises salutary Effects can be hazarded in so thin a Congress. . . .

Be pleas'd . . . to hurry on Hamilton and Floyd my worthy Colleagues.

685. JAMES MADISON TO THE GOVERNOR OF VIRGINIA
(BENJAMIN HARRISON).¹

PHILADA. Novr. 15th [1782.]

Dear Sir,

I send you as a piece of information of which you will be the best judge of the use to be made, an extract of a letter laid before Congress by the Sec'y at War:² . . .

To this I may add a report that the inhabitants of this State West of the Alleghany Mountains are openly proceeding towards a separation of Govt. It is certain that they have for some time had such a scheme in contemplation.

686. DAVID HOWELL TO WELCOME ARNOLD.¹

PHILADA. 17 Nov. 1782.

Sir,

Yours of 4 Inst. came to hand last evening by Dr. P. Bowen. The rejection of the Impost by *the Independant* 54² is an event highly pleasing to me and will eventually redound to the credit of our State and I hope to the benefit of the whole Union.

[685]¹ Copied from the original, then in the possession of Mr. Stan. V. Henkels of Philadelphia (addressed, "His Excellency Benjamin Harrison Esqr. Richmond Hon'd by Col: Bland").

² There follows an extract of a letter from Gen. William Irvine to the secretary at war, dated at Fort Pitt, Oct. 28, 1782. General Irvine states that "the people are in great numbers flocking over the Ohio into what has hitherto been called the Indian Country and are busy in taking up and improving lands as well on what is supposed to be within the bounds of Penna. as beyond the Western line thereof. From the avidity with which they act on this occasion and the industry used by some few to persuade the people to form new States, I am of opinion that unless Congress and the several States, (who have unsettled lands within their limits) immediately take measures for securing them neither the U. S. nor any particular State will reap much advantage from them . . . if you think it worthy the attention of Congress, you will doubtless inform them." See nos. 687, 689, 690, *post*.

[686]¹ Hist. Soc. of Pa., Dreer Coll., M. O. C., II. 113 (addressed, "The Hon'ble Welcome Arnold Esquire To the Care of Hon'ble Mr. Houston Trenton").

² The allusion is to the number of the members of the lower house of assembly of Rhode Island who voted against granting to Congress the right of levying a five-per-cent. impost. See the letter of the speaker, William Bradford, dated Nov. 30, in the *Journals* of Congress, Dec. 12. The reply of Congress to the speaker is in the *Journals* under Dec. 16. Cf. nos. 646, 647, 652, 654, 672, *ante*, 690, 693, 695, 701, 702, 707, 714, 718, 722, *post*.

Ezekiel Cornell, then at Scituate, R. I., wrote to Gen. Benjamin Lincoln, Nov. 19: "I am much more convinced of the necessity of the measure [*i. e.*, the impost] since my return home than I was before. . . . I am more and more surprised every day when I reflect that the Impost was voted out by a Unanimous Voice for I can assure you upon my honor that there has not been one out of Twenty among the Inhabitants of the Country that I have seen that is opposed to the measure in general. They are much in favor of it. . . . I think it grows more and more popular every day in the Country but it is held by the Providence people to be worse than Treason to speak in favour of duties." Copied from the original, then in possession of Mr. Stan. V. Henkels of Philadelphia.

That this important vote was passed after such a perfect understanding of the subject, with so much deliberation and with entire unanimity are circumstances which bid defiance to all future attempts from the advocates of that measure.

I am sorry you forgot to mention in yours the names of the Committee appointed to write a Letter to Congress on the Subject. Without knowing their names a suitable Letter cannot be written to them and after your next to me I fear it will be too late to address them. You will please to write them not to assign the withholding the Back Lands as a reason.

That reason was better calculated to influence the State than to satisfy Congress. And besides, New-York cession of claims has been accepted and that business got into a good train. I wish to receive the Instructions you mention as soon as possible, my stay being short.

The Load of illwill, jealousy and envy drawn on me, by the part I have taken in this affair has placed me in a very disag[ree]able Situation. The approbation of [the] well informed and virtuous of my constitu[ents] in addition to that of my own Conscie[nce] has hitherto sustained me and is all I ex[pect.]

Pray give my respects to those in your present circle, if any, to whom I hav[e] the Honor to be known;

[P. S.] Dr. Arnold's respectful Comps. and good wishes attend you.³

687. SAMUEL WHARTON TO GEORGE READ.¹

PHILADELPHIA, 17th November, 1782.

Dear Sir,

I wrote you a few days ago,² but, as the Chief Justice³ is going to New Castle, it affords me an opportunity of conveying the latest public papers.

The settlers to the westward of the Alleghany Mountain have declared that the country within that space is independent of Pennsylvania, and they are fast settling the lands westward of the river Ohio. This important circumstance was communicated to Congress and the Government of Pennsylvania on Friday last, and the Council and Assembly of this State, and (they will) have a conference upon this intelligence to-morrow.⁴ Many, of both bodies, are of opinion that this State would be large enough if it was confined to the Alleghany Mountain, and it would be wisdom

³ This note was not written by Howell, but probably by Dr. Jonathan Arnold himself, Howell's colleague in Congress, and brother to Welcome Arnold, to whom this letter was addressed. Welcome Arnold was a member of the tribunal then assembling at Trenton to adjust the controversy between Connecticut and Pennsylvania. See no. 601, *ante*, and no. 690, *post*.

[687]¹ Read, *Life of George Read*, p. 373.

² Nov. 10 (*ibid.*, p. 369). See no. 680, note 3, *ante*.

³ Thomas McKean, who was a delegate of Delaware and at the same time chief justice of Pennsylvania.

⁴ This clause probably ought to read, "and the Council and Assembly of this State are to have a conference upon this intelligence tomorrow".

to acquiesce in the proposition of an independent State, if it was founded upon the admission of the rights of such as have just claim. Congress could now decide the measures of the new government; but, if the affair is neglected for any length of time, it will be as unmanageable as that of Vermont, which has been and will be fruitful of much vexation to the National Council.⁵

688. EZRA L'HOMMEDIEU TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

PHILADELPHIA NOV. 18: 1782.

Dear Sir,

I transmitted to your Excellency, by the last Post, a Copy of a Report relative to the New Hampshire Grants, which has since been taken up. The inclosed Copy of the *Journals* will shew how far Proceedings have been had on the same. Only seven States being present, and Rhoad Island being determined to push a Decision on the Second Resolve, and prehaps to give it a Negative, without any Amendment or suffering it to be committed, we were under a Necessity of calling for an adjournment, between one and Two oClock which succeeded. Since that Day we have not been able to make a Congress, but 'tis expected that today or tomorrow Eight or Nine State[s] will be represented when we shall endeavour some amendment or Substitute for the Second Resolve, which appears so weak and pusalanimous That should it pass, 'tis probable it would do more hurt than good: at the same Time I have but little Expectation that any Resolution can be obtained which will be effectuell for the Protection of the Sufferers in Cumberland County and for restoring the Property taken from them.²

689. HUGH WILLIAMSON TO THE GOVERNOR OF NORTH CAROLINA
(ALEXANDER MARTIN).¹

PHILADELPHIA, Nov. 18th, 1782.

Sir:

Inclosed is the Copy of a Letter that is just handed Congress by the Secretary at War.² You will excuse me for not having made a fairer Copy of it. The Communications of this Week are not in my tour of duty but lest Mr. Nash should overlook it I have sent the Intelligence as it occurs. If the Assembly should sit on this Season possibly this Letter may overtake them, if so I hope they will turn their attention to the Western Country; those Lands are certainly in a very critical situation. The Spirit of Migration prevails to a high degree in these Middle States

⁵ See no. 685, *ante*, and nos. 689, 690, 695, *post*. The information referred to appears to have come through a letter of Gen. William Irvine of Oct. 29. See the resolution of the Pennsylvania assembly Nov. 19, *Pa. Arch.*, first ser., IX. 666.

[688]¹ N. Y. State Lib., Clinton Papers, no. 4858A.

² See nos. 683, 684, *ante*, 691, 696, 699, 702, 705, 709, 710, *post*.

[689]¹ N. C. State Recs., XVI. 459.

² The letter from General Irvine to the secretary at war mentioned in Madison's letter to Governor Harrison, no. 685, *ante*. The first sentence of Williamson's letter suggests that its date was probably Nov. 15, instead of Nov. 18.

and the Spirit of making new States is become epidemic. It is certain that many of the small States or at least many of the inhabitants of those States encourage that Spirit. They look with an envious eye on the large States and wish to make us all of the Pigmy breed. The Assembly of this State have just received accounts that the Inhabitants in General over the Allegany Mountains are disposed to declare themselves Independent. There is the utmost reason to believe that the people of Vermont and their abettors in the Minor States are endeavoring to persuade the people in General on the Western Waters to revolt.

A petition was some time ago handed to Congress said to be from some people on the back of Virginia, praying to be erected into a State. On enquiry there was much reason to believe that the Petition did not originate in the Western Country and it is doubted whether three of those people had ever seen it.³ Having mentioned those facts I flatter myself that you will think with me that the utmost attention is required by our State to prevent if possible any bad impressions from being made on the citizens of the State on the Western Waters. The Spirit of our Government is so moderate and the general disposition of the Western Inhabitants is so good that I am at least convinced that our Subjects will be among the last who will run riot, As the State has shewn and I am persuaded ever will shew the utmost inclination to gratify their wishes and provide for the regular administration of Justice among them.

690. JAMES MADISON TO EDMUND RANDOLPH.¹

PHILADA. Novr. 19th, 1782.²

My dear Sir,

. . . . Col: Bland set out on friday last. He carried with him an official notification to Mr. J——n of his appointment.³ Col: Bland also carried to the Govr. an extract of a letter from Genl. Irwin at Fort Pitt, which displays in full colours the avidity of the Western people for the vacant lands and for separate Gov'ts. On this subject Richmond I suppose will afford better information. I take for granted that every material article of it, with the steps taken by the legislatures with respect to western affairs in general will fall within your correspondence.⁴

The prospect derived from the impost of 5 pr Ct. seems to be pretty thoroughly blasted by a unanimous and final veto by the Assembly of

³ See no. 607, *ante*.

[690]¹ Library of Congress, Madison Papers, I. 54; *Writings*, I. 261; *Papers*, I. 474.

² A manuscript of Elias Boudinot entitled, "Rules for conducting Business in the United States in Congress Assembled" (N. Y. Pub. Lib., Emmet Coll., no. 441), contains the twenty-eight rules recorded in the *Journals* under May 4, 1781, together with subsequent additions under dates as follows: Feb. 14, Nov. 19, 1782; Jan. 29, Feb. 6, 14, 19, Mar. 4 [5], May 15, 1783. The rule recorded under the date Nov. 19, 1782 (which is not in the *Journals*) is as follows:

"Resolved that when a proposition consists of a negatived Resolution and a negatived Amendment, said Resolution is out of order."

³ See no. 681, *ante*. For proceedings respecting salaries of foreign ministers see the *Journals*, Nov. 20, and Madison's Notes of Debates (*Journals*, XXIII. 850).

⁴ See no. 685, 687, 689, *ante*.

Rhode Island. This State by its Delegates (who fully represent the aversion of their constituents to the impost) voted in Congress that 6 million of Dollars were necessary for the year '83, that 2 million were as much as the States could raise and as ought to be required by Congress, and that applications for loans in Europe ought to be relied on for the residue. And yet they absolutely refuse the only fund which could be satisfactory to lenders. The indignation against this perverse sister is increased by her shameful delinquency in the constitutional requisitions.⁵

The tribunal erected for the controversy between Connecticut and Penns'a was I hear to be opened to day. . . .

Mr. Jones returned yesterday for the first time since his relapse, into Congress. The Representation of Virga. untill a reinforcement arrives will be precarious. Can you give me no encouragement on this occasion from your own purposes?

691. JOHN TAYLOR GILMAN TO THE PRESIDENT OF NEW HAMPSHIRE
(MESHECH WEARE).¹

PHILADA. Novr. 20th 1782.

Sir,

In my Letter of the 29th Ultimo I Informed you that the affairs of Vermont were then under Consideration, much has been said on this Subject but no Conclusion made—almost all agree that it is absolutely Necessary to make a final determination of the matter, but are at a loss to know what is best to be done. Mr. White as well as myself is very desirous that we may have particular Instructions from the State on this Subject.²

I Inclose you Copy of a Resolution of Congress Accepting the Cession made by New-York—the Cession made is on the printed *Journals* of March 1781.³

Yesterday the Subject of Settling with the Army for Depreciation of Pay etc. was under Consideration, the propriety of Such Settlements being made by the United States, and not by the States Individually was much Urged. I think it is probable it will be determined this day; as New Hampshire has agreed to and already made some settlements with their Troops to Jany. 1st 1782. Mr. White and my Self are desirous that it should be Recommended to the several States to make the Settlements to that time but whether this will be done is Quite uncertain, I think it is most probable it will not.⁴

⁵ See no. 686, note 2, *ante*.

[691]¹ N. H. Hist. Soc., Weare Papers, XI. 81.

² See nos. 666, 688, note 2, *ante*, 696, 710, 720, *post*.

³ See the *Journals*, Oct. 29. The cession executed by the delegates of New York is recorded in the *Journals* under Mar. 1, 1781.

⁴ See the *Journals*, Nov. 19-22, Dec. 2, 3, 11, 13; *cf.* no. 632, *ante*, nos. 698, 710, *post*.

692. THE VIRGINIA DELEGATES TO THE GOVERNOR OF VIRGINIA
(BENJAMIN HARRISON).¹

PHILADA. Novr. 26th 1782.

Sir,

In answer to your Excellency's letter of the 8th as far as it relates to Capt: Pierce,² we inclose the late Acts of Congress making further reductions in the army, with the remarks of the Sec'y at War on the operation of these acts in the case of that Officer. In the latter will also be found such information as the War Office affords on the Subject of cloathing for the Virginia troops.

In pursuance of your request we sounded the disposition of the Superintendent of Finance as to an acceptance of Tobo. from Virginia at the current prices in place of cash. His reply was that his Agent in consequence of instructions from him had made a proposition to that very effect to the amount of 60,000 Dollars, which had been lying some time before the Executive unanswered.³

693. JAMES MADISON TO EDMUND RANDOLPH.¹PHILADA. Novr. 26th, 1782.²

My dear Friend,

. . . . For want of something more interesting, I will epitomise for you the proceedings of Congress on Friday last. I have already informed you, if my recollection does not fail me, that Congress long since recd. a letter from Mr. H. L. informing them of his discharge from captivity, and of his having authorized an expectation in the [British ministry that] ³ Cornwallis should [in return be discharged from his parole.] Shortly after a letter from Doctr. F. acquainted Congress that at the pressing instance of Mr. L. in consideration of the [power given him to] exchange B[ur]g[oyn]e for him, and of the reasonableness of the [thing he had executed an] instrument setting Cornwallis at full liberty untill the pleasure of Congress should be known. These papers had been committed, and the committee had reported a [ratification] of the instrument. After some debate a recommitment took place. In this state the business remained untill the day above mentioned, when in order to satisfy some members who had called for a report, and to enable the committee to

[692]¹ Va. State Lib., Executive Papers (signed by Jones and Madison); *Cal. Va. State Papers*, III, 380 (abstract).

² Capt. William Pierce, aide-de-camp to General Greene. Pierce's case is not specifically mentioned in the *Journals*, but for consideration of questions involved in the reductions under the act of Aug. 7 see the *Journals*, Oct. 9, 30 (p. 699 n.), Nov. 19, 20.

³ Governor Harrison's letter of Nov. 8 is in *Official Letters*, III, 369. For particular comment upon his request see Madison to Randolph Nov. 26 (*Writings*, I, 262).

[693]¹ Library of Congress, Madison Papers, I, 55; *Writings*, I, 262; *Papers*, I, 477.

² For some proceedings in grand committee Nov. 26 see Madison's Notes of Debates (*Journals*, XXIII, 854), with a continuation Dec. 24 (*ibid.*, p. 872). See also no. 663, note 4, *ante*, and no. 695, note 3, *post*.

The first part of this letter relates to the governor's suggestion, in his letter to the delegates Nov. 8, that the superintendent of finance accept tobacco in payment of the demands on Virginia. See no. 692, *ante*.

³ Bracketed words except B[ur]g[oyn]e, below, are in the official cipher.

adapt their report to the sense of Congress, a motion was made to instruct the committee to report a proper act of [ratification] etc. On this motion the merits of the case, which as connected with our national character may be deemed of some moment, fell under general discussion. In support of the motion it was argued that whenever a public Minister entered into unauthorized engagements, the only alternative which presented itself to the Sovereign was either to [ratify the engagements] or [to recal the minister] unless indeed he should prefer both: that Congress having even refused [to permit the minister] in question [to decline] his [appointment] had therefore no [option left but to support him in what] he had [taken upon himself], that nothing could be more [preposterous] than to detain him in so dignified and confidential a service, and at the same time to degrade him in the estimation both of his friends and enemies by a [public disavowal of his] conduct: that it was particularly improper to [send him into] negotiations with [the latter] under the impression of [supposed obligations to them], that a part of this reasoning was applicable to the part which Dr. F., another [minister had taken in the measure], that the Marquis de la Fayette who in consequence of the liberation of Cornwallis had with the approbation of the ministers, undertaken an exchange of several of his family, would [also participate in the mortification]; that finally it was greatly overrating the importance of Cornwallis to [sacrifice all these] considerations [to the policy or gratification of prolonging his] captivity.

On the adverse side it was said that the British Govt. having treated Mr. L. not as a prisoner of war but as a traitor, having refused to exchange him for Genl. B—g—e when the offer was made, and having declared by the British commanders at N. Y. that he had been *freely* discharged, neither Mr. L. nor Congress could be bound either in honor or justice, to render an equivalent, whilst policy strongly inculcated that so barbarous an instrument of war and so odious an object to the people of the U. S. should be held as long as possible in the chains of captivity; that as the latest advices rendered it probable that Mr. L. was at this time on his return to America, the dignity of the Commission for peace could not suffer from any mark of disapprobation which might lie on his public conduct; that Doctr. F.'s character was guarded against injury in the case by an express reservation in his act for the allowance or disapprobation of Congress; that the same might be said with respect to the Marquis de la Fayette; that the solemn declaration made by Congress agst. any partial exchanges untill a cartell should be established on national principles would not admit even of a ratification of an exchange antecedent to that declaration.

These were the ostensible reasons for the opposite opinions on this question. We may well suppose however, that with some members at least they were secretly corroborated, on one side by [personal attachment to] Mr. L. and on the other by a dislike [to his character and a distrust excited by circumstances] which I some time ago related to you. It is to be observed at the same time that several members who admitted the force of this last consideration, were led by the arguments first stated

to oppose the opinion of those who urged it. The Question was at length suspended at the request of some new members who wished for further information. There is some reason to believe that it will be followed by an attempt to [rescind the appointment.] ⁴

The obstinacy of Rhode Island in rejecting the Impost, is a subject of very general and [pointed crimination] not only among [the public creditors and their friends] who deem it equivalent to a [denial of justice] but among the most [enlightened patrons of the foederal interests] who pronounce it a [blow to our credit abroad] as well as [our future credit at home.] And in truth who can combine this consideration with the paltry [payments on the last requisition of Congress and not shudder at the prospect?] This obstinacy on the part of R. I. is supposed, on good grounds, to be much [cherished by the] limited manner in which other [States have acceded to the impost] from which she infers a latent repugnance to the measure. Would it not then be prudent [in Virga. to] revise and [enlarge her act of compliance?] If [her example] should prove [less efficacious] than might [be wished] it would at least [have a conciliating effect on other States and gain her general credit]. I see no possible objection, unless indeed, she wishes the [plan to be frustrated] in which case I can only give it as my firm opinion that a thorough knowledge of public affairs would speedily reconcile her to it. If your own ideas correspond with those here expressed, and the temper of the Legislature be not unfavorable, you will give such suggestions as may be best adapted to the object, and make them the subject of a future paragraph.⁵ . . .

Col. Hamilton took his seat in Congress yesterday as a Delegate from the State of N. Y. Mr. Peters, Mr. Fitzsimmons and Genl. Mifflin have attended some days as members for Pennsa.

694. THE PRESIDENT OF CONGRESS TO GEORGE WASHINGTON.¹

PHILADELPHIA Novr. 27th 1782.

Dear Sir,

Your Excellency's several Favours of the 30th Octr., 1st and 19th Instt. which have come to hand since I had the honor of filling the Presidents Chair, have been duly laid before Congress.²

You will believe me Sir, when I assure you, that the Correspondence and Communication which my Office necessarily opens with your Excellency, are among the few special Advantages and agreeable Engagements, which I promise myself during my continuance in so arduous a Station.

I feel myself greatly honored by your Congratulations, and rank them among the few that have given me real Pleasure.

⁴ The proceedings relative to Laurens's letter of May 30, 1782, to which Madison refers, were on Sept. 16, 17, 20, 25, and 26. Madison's comments are in his letters to Randolph Sept. 17 and 24 (nos. 621, 631, *ante*). The proceedings on Friday, Nov. 22, are covered in Madison's Notes of Debates for that day (*Journals*, XXIII. 852). See also the Notes for Nov. 25 (*ibid.*, p. 854), and the *Journals*, Nov. 26.

⁵ See nos. 686 (note 2), 690, *ante*, 695, 706, 707, 715, *post*.

[694]¹ Library of Congress, Washington Papers; Boudinot, *Life of Boudinot*, I. 273.

² Washington's letters of Oct. 30 and Nov. 1 were read in Congress Nov. 4 and 8, respectively; that of Nov. 19 appears to have been read Nov. 28.

Altho' the present State of our Affairs, do not raise my Expectations of being able to give your Excellency any Intelligence worthy your attention, yet be assured Sir, as far as it shall be in my Power, I shall most freely communicate from time to time, whatever may promise the least information or amusement; hoping for a like return, however it may prove more advantageous or entertaining to me.

Congress having come to a resolution relative to the several Matters in Osgoods deposition, your Excellency will receive a Copy thereof by the Post. It was generally thought necessary to communicate the reasons of this. Proceeding to the Persons exercising the executive Power in that district, but least a proper secrecy should not have been observed, previous to the arresting of the Delinquents, the time and manner of such Communication, is altogether left to your discretion.³

I have the honor to be, with Sentiments of the most sincere Respect and Esteem

Your Excellency's Most Obed't and most Hble Serv't

ELIAS BOUDINOT

695. JAMES MADISON TO EDMUND RANDOLPH.¹

PHILADA. Decr. 3d 1782.

My dear friend,

Applications from the States of N. Hamshire and Massachusetts concerning [the old paper] ² of which they [hold a surplus] have called the attention of Congress once more to that subject. The Superintendent on a Reference to him reported in [rigid adherence to his] maxims of [public faith] that credit should [be given for all surpluses at the rate of one for forty.] This proposition was readily [negatived by Congress.] Whereupon a motion was made by Mr. [Osgood] that [the states] should [be credited] according to the [current value at the time of redemption] which with one of the [letters from Massachusetts was refered to a grand committee.] The [committee are unanimous] that [the burden of redeeming the old paper] as well as all other [public burdens] ought to be equitably apportioned on the States. On the [mode and the rate a diversity of ideas prevail.] One expedient suggested was to [call anew on the States to] sink [the money] and leave them [to level its inequalities by] negociations [among themselves.] This met with very little countenance. Another was to declare that as soon as the entire [sum should be taken up by the States from their] respect[ive citizens Congress] would proceed to charge the several [surpluses on the] deficient [States at the

³ The information of Christopher Osgood of Providence, R. I., relative to Vermont, was transmitted by Deputy Governor Bowen of that state to General Washington, and by the latter to Congress with his letter of Nov. 19, read in Congress Nov. 25. The committee to whom the letters were referred brought in a report Nov. 27, with a consequent resolve that day and additional action Dec. 3. Osgood's "Information" is in the Washington Papers, under Nov. 13, and bears this endorsement by Secretary Thomson: "Nov. 25, 1782. To be kept secret. Referred to Mr. Osgood Mr. Carroll Mr. Rutledge. Dec. 13, 1782 Injunction of secrecy taken off." See also Madison's Notes of Debates Nov. 25, 27, Dec. 3, 5 (*Journals*, XXIII. 854, 856, 858, 862), the *Journals*, Dec. 5, and no. 709, *post*.

[695]¹ Library of Congress, Madison Papers, I. 57; *Writings*, I. 270; *Papers*, I. 483.

² Bracketed words are in cipher.

rates equity might prescribe.] The objections against this were that it gave no immediate satisfaction to the [complaining States and] would prolong the internal [embarrassments of the States] which obstructed [the requisitions of Congress.] Lastly it was [proposed to] authorize the Commissioners who are [to traverse the country] for another [purpose to take up the un]redeemed [bills and] form them into a part [of the common debt] by [issuing to the] individuals [specie certificates at the rate of ———]; and to apply the like rule to an [adjustment of the disproportionate] redemptions [of the States.] This expedient was upon the [whole least disrelished by the committee and is now under their] consideration. Its reasonableness and its [fate both] will depend much on the scale by which as well the [redeemed as the outstanding bills is to be valued.] In all questions relative to this subject, the defect of information under which we lie makes it difficult for us to deduce the general interest from a just and fair comparison of particular interests. To supply in some degree this defect with regard to Virginia I shall enclose to Mr. Ambler for his answers, a number of queries, of which I herein add a copy for you. Some of the queries indeed have a greater reference to other subjects. If you can assist Mr. A. or can enlarge the plan by other queries I beg you to do it. If the sense of the [leading members of the assembly] can be conveniently [gathered it] might [also be of use.] A public [consultation] would [violate the secrecy] which is judged necessary [to prevent a revival of speculation and] which [led me to the use of the] cypher on this occasion.³

The Secy. of F. Affairs communicated to me a few days ago his determination speedily [to resign his office.] He asked me in the course of conversation whether I thought Mr. [Jefferson] would [prefer the vacancy to his foreign appointment.] I answered him in the negative. He then asked whether I supposed he would [accept the] commission of [Jay at Madrid in case the latter] should prefer [the Secretariship of foreign affairs and be] appointed to it. I told him I could not answer that question but doubted much whether [Congress] would [consent to part with the] services [of Mr. Jay as a negociator of peace.] I wish you to mention this conversation to ———⁴ and acquaint me with the result. The want of a Cypher with him will be an apology for omitting a direct communication. Through your hands also it may be accompanied with explanations if requisite. I leave it to yourself to decide how far it may be worth while to [feel the pulse of our friend McClurg] with respect to the [vacancy in question].⁵ . . .

³ See nos. 659, 663 (note 4), 665, 693 (note 2), *ante*, 716, 720, *post*.

⁴ Arthur Lee?

⁵ This paragraph and the next following in the printed text, but here omitted (they are largely in cipher), were sent to Randolph Dec. 2, with the following additional note: "I send this by Mr. Nathan who visits Richmond in pursuit of his demand agst. the State. A duplicate of it will make a part of my letter by the post tomorrow." Concerning Simon Nathan's demand against Virginia see *Official Letters*, III, *passim*.

With regard to the resignation of the secretary for foreign affairs see Madison's Notes, Nov. 28, Dec. 2, 3 (*Journals*, XXIII. 857, 858), the *Journals*, Dec. 3, and nos. 707, 718, *post*. Livingston notified Governor Clinton of his resignation Dec. 2 (*Clinton Papers*, VIII. 53). His explanation of the reversal of his decision is in a letter of Dec. 22 (*ibid.*, p. 61).

Replying to this letter, Dec. 13, Randolph remarked: "Nothing less than Europe would suit our friend of M[ontice]llo. However I will write to him on the subject. *Residence*

The merits of the Controversy are like to be brought under trial of the Court at Trenton, the Agents for Connecticut having been foiled in every plea for an adjournment. But I do not hear that any progress is made from which the issue can be presumed.

The Legislature of this State has just published for consideration a bill subjecting to the penalties of Treason all attempts for erecting an independent State within its charter-Limits. This circumstance with some votes which have been lately taken in Congress with reference to [Vermont] leave no doubt that the policy of Penna. will in future be reversed.⁶

. . . .

696. PHILLIPS WHITE TO JOSIAH BARTLETT.¹

PHILADELPHIA Decr. 4 1782.

Sir,

Agreeable to your desire I now set down to write your Hon'r a few lines, but have nothing new of consequence Mr. Gilman wrote to the Hon'ble President, on the affair of Vermont, the Day before I arrived here, sence which I gave a few hints respecting the same.² it appears that something should be done soon. it looks likely to me that the final decision will greatly depend on the inclination of New Hampshire, and New York, for which reason it is highly necessary that we have instructions. if nothing was done on the Subject the last Session of the Genl. Court, I hope there will be something done the begining of the next. the Deligates from N. York appear to be very earnest to have a final determination. the Members from said State at present are Mr. Floyd, and Mr. Hambleton, who we think are more cordial than some others have been etc.

P S I would not have you think that I am covitous, by my sending only half a sheet, the reason of my doing it, is on account of a complaint that the members incumber the mail with large letters, etc. etc. there has been an attempt to prevent private Letters going post free, however I shall run the venture to inclose a Newspaper this once as it will be cover'd in one Mr. Gilman will send to the Hon'le President³

697. JOHN TAYLOR GILMAN TO THE PRESIDENT OF NEW HAMPSHIRE (MESHECH WEARE).¹

PHILADA. Decr. 4th, 1782.

Sir,

I Enclose Copy of a Resolution respecting the promotion of Officers in the Lines of the Several States. I Suppose this Resolution has been

beyond the water would not, I believe be agreeable to him, if the opening suggested should be made. The determination of Mc[C]l[ur]g would probably depend much on the certainty of being appointed. I will write to him also." Library of Congress, Ac. 1081. See further Madison to Randolph Feb. 11, 1783, *Writings*, I. 364; *Papers*, I. 502.

⁶ See nos. 685, 687, 689, 690, *ante*.

[696]¹ Dartmouth College Lib., Bartlett Corr., II. (addressed, "Hon'le Josiah Bartlett Esq Kingston State of New Hamp Free P. White").

² Nos. 666, 676, *ante*; cf. nos. 710, 720, *post*.

³ See no. 697, *post*. Concerning the privilege of franking see especially the *Journals*, Nov. 27, and Madison's Notes of Debates Dec. 6 (*Journals*, XXIII. 863).

[697]¹ Library of Congress, N. H. Papers.

transmitted you by the Secretary at War, but perhaps the propriety and Necessity of the measure may not so readily appear to the Hon^{ble} the Legislature; to which I shall only Say that it was Unanimously adopted by Congress after the most mature Deliberation,² I have no doubt but all the other States will promote their Officers agreeably to the Resolution, and hope the State of New-Hampshire will promote their's as they will be Essentially Injured with respect to Rank if that is not the Case.

Have not a Single Article of News of any kind more than is Contained in the Papers.

698. SAMUEL OSGOOD TO HENRY KNOX.¹

PHILADELPHIA 4 Decr., 1782.

My dear Sir,

This morning I recd. your Favor of the 2d of November. It gave me the more Sensible Pleasure, because I began to repent that I had not wrote you with Respect to the System for the Adjutant Genl. Department. And more especially, as you have mentioned with Freedom, a Matter which has given me no small Degree of Anxiety.² . . .

I have endeavored to convince the Members of Congress that it would be best to recommend to the States individually, to Satisfy their Officers on Acct. of half Pay. my ill Success on this Head induced me to write Mr. Lowell for altho' no particular Question in Congress has been taken on the Matter of referring it to the Several States, yet when the Memorial of the deranged Officers of the Connecticut Line was before Congress last Summer, the Subject was largely debated; and it was declared from various Quarters of the House, that if any State undertook to Satisfy their Officers for half pay, they would do it in their own wrong, and that it could not discharge Such State from Requisitions of Congress for half Pay.³

In this View could you have advised Mass'tts to have compromised with her Officers, and have thereby probably laid the Foundation of a very serious dispute with the foederal Union. I sincerely wish to render the Officers of the Mass'tts Line every Service in my Power: and nothing will give me greater Pleasure, than to let them know all my Views respecting them, and the Reasons on which I found them; and if in their Opinion, they should not be Right, to hear their Objections. Heaven forbid that I should be obstinate or illiberal, in any system respecting them. . . .

² See the *Journals*, Dec. 4, 12, also Madison's Notes of Debates Dec. 4 (*Journals*, XXIII. 559), and no. 711, *post*.

[698]¹ Mass. Hist. Soc., Knox Papers, X. 130.

² Cf. no. 619, *ante*. The omitted passage relates principally to a letter which Osgood had written to John Lowell. The letter is again alluded to in the next paragraph.

³ Cf. nos. 633, 691, *ante*, 706, 710, *post*. The secretary at war (Benjamin Lincoln) wrote to Jeremiah Wadsworth Nov. 25:

"In reply to your letter of the 23rd instant, with which I have been honored, I am to observe that there can be no doubt that the retiring officers will be entitled to their pay and all the emoluments of office until the first day of January 1783.

"Any mode therefore which may be adopted by you and them as well as those on furlough, for the regulation of their rations, will be agreeable to the public." Copied from the original, then in the possession of Mr. Stan. V. Henkels of Philadelphia.

699. JAMES DUANE TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

POGHKEEPSIE Decem'r 5th 1782.

Dear Sir,

. . . . I beg leave to submit to your Excellency the steps we took in the Case of General Clinton. The Principle on which the Rejection was founded was that the New York line was not entitled to a second Major General. I need not I hope assure your Excellency that nothing was omitted on my part which promised Success to the General's wishes.²

The Vermont business is undecided: but these rash men are in a fair way to ruin themselves. I trust Mr. Lhommedieu has fully stated this matter to your Excellency.³

I enclose your Excellency the Acceptance of the New York Cession. You will observe that it is left on the best possible footing for our State. I feel myself happy in being the Instrument in accomplishing a Measure of such vast importance To our Country.⁴

Our money affairs I defer till I have the pleasure of seeing your Excellency. Unless I have some Redress, this last attendance on Congress will affect me severely, for besides my loss I have overstaid the time prescribed for a month.

700. THE PRESIDENT OF CONGRESS (ELIAS BOUDINOT) TO GEORGE READ.¹

PHILADELPHIA Dec. 6, 1782.

Sir,

It gives me very particular satisfaction to have the honor of presenting you the Commission of the United States in Congress assembled, whereby you are Constituted one of the Judges of the Court of Appeals in all Cases of Capture on the Water etc.²

Your established Character as a Gent'n, Lawyer and Man of Integrity leaves me no room to doubt but this Appointment will do honor to Congress, produce the happiest Consequences to the good Citizens of these States and I hope real Satisfaction to yourself from the consciousness of serving your Country with fidelity.

[699]¹ *Clinton Papers*, VIII. 55.

² See the *Journals*, Oct. 14 (pp. 648, 651 n.), and rules of promotion adopted Dec. 4.

³ See no. 688, *ante*, and nos. 704, 705, *post*.

⁴ See the *Journals*, Oct. 29, and nos. 673-675, *ante*.

[700]¹ Hist. Soc. of Pa., Boudinot Papers, II. 111; Library of Congress, President's Letter-Book, p. 160; Boudinot, *Life of Boudinot*, I. 275; Read, *Life of Read*, p. 378.

² The election was on Dec. 5. See the *Journals*, Nov. 21, 22, Dec. 2, 5, 13, Madison's Notes of Debates, Nov. 7, Dec. 5 (*Journals*, XXIII. 844, 862), no. 587 *ante*, and no. 708, *post*. With regard to the appointment see the correspondence between James Read and George Read (*Life of George Read*, pp. 375-378—letters of James Read Nov. 27, "September" [December] 3; letter of George Read Nov. 28). Read's acceptance, Dec. 10, is *ibid.*, p. 379. Concerning the Court of Appeals see no. 456, note 2, *ante*.

701. JONATHAN ARNOLD TO THE GOVERNOR OF RHODE ISLAND
(WILLIAM GREENE).¹

PHILADELPHIA, December 6th, 1782.

Sir,

I have nothing more to communicate in respect to Public affairs but what the Extracts from the Journals of Congress, and my Colleagues and my joint Letters will do. Yet I cannot refrain from troubling your Excellency, with a few observations upon the Conduct of Mr. Howell, since my Arrival in this City and which I believe, from various reasons, has been invariably the same ever since he had a seat in Congress.

It appears to have been his first and only wish to serve his Country, generally, and especially his Constituents, with unshaken fidelity. he has had no separate interested views, to lead him from these Objects. He clearly understood the Force of the Articles of Confederation, and distinguished between the rights relinquished by the Separate States and those retained, and on this, appeared desirous to fix his decisions on such questions as were discussed. On other occasional and detached points, he ever showed a desire to [do] Justice, consistent with Honor and Economy, and judging that in many instances the gratuities and Salaries of the Civil Officers was beyond what the present Circumstances of the People could well bear he has missed no Proper Opportunity of speaking freely his opinion thereon, and to enforce the necessity of their Reduction. He has been Zealous and Active in endeavouring to obtain Justice in regard to the Western Territory, part of which is already Ceded. He has also exerted himself to obtain some effectual measures whereby the Public Accounts might be collected and settled, upon Constitutional principles and the Public Credit thereby restored, without the necessity of recurrence to measures unknown in and Contrary to such Principles. But I am sorry to say in this his exertions have hitherto proved fruitless. For his conduct in the preceding matters, he has been looked upon in an invidious light by those, whose principles and Conduct have been opposed to him. He has been treated with a Coldness and indifference, which must have been extremely mortifying to his feelings, and which to avoid, would have swerved from the Purpose, any one, not endowed with an uncommon share of Firmness.

As he is soon to return, I have reason to expect that the inveterate enmity which his honest and patriotic Zeal in his countrys cause has Raised in the breasts of those to whom he has necessarily been opposed, will be exerted, and follow him to his home and that the most unremitted industry will be used to injure him in the State he has with so much integrity represented. My duty therefore to the State to prevent impositions upon them, and to him as a Colleague in whose confidence and friendship I have been singularly happy during my residence here, and with whom I have on most Occasions been united in sentiment, as to public measures, oblige me unknown to him to give this public Testimony of his Conduct.

[701]¹ R. I. Arch., Letters to the Governors, 1782-1783; Staples, *R. I. in Cont. Cong.*, p. 419.

Hoping and trusting, whilst his principles and Conduct continue as at Present, he will have the love and esteem as well as the Approbation and Support of his Constituents, and be considered as he really is a very worthy and able defender of their Rights and liberties,²

I have the honor to be,

702. THE RHODE ISLAND DELEGATES TO THE GOVERNOR OF
RHODE ISLAND (WILLIAM GREENE).¹

PHILADELPHIA Decem'r 7th 1782.

Sir,

By a Resolve of Congress of Yesterday a Committee of Congress, consisting of the hon'ble Mr. Osgood, the hon'ble Mr. Mifflin, and the Hon'e Mr. Nash, was appointed to wait on our Legislature to urge them into a Compliance with the Impost.

Those Gentlemen being respectable in their private, as well as public Characters, are well entitled to Attention and respect. This we cannot doubt they will recieve, tho' we cannot wish them Success in the business of their Appointment. We earnestly urged Congress to suspend this Measure until they should have recieved the State's reply to the demand of Congress, for an immediate and definite Answer, which was daily expected, but urged in vain,—It seeming to be the sense of Congress, That no reasons would divert them from the Measure.²

The affairs of Vermont are drawing to such a serious Crisis that it is our request to be therein specially instructed. The State of New Jersey has lately instructed their delegates, That they consider the people of Vermont justly entitled to independence, by the Resolves of Congress, and to oppose every measure contrary thereto.

Herewith enclosed are certified extracts from the *Journals* of Congress of Proceedings in regard to that people, Upon which no comment on our part will be necessary. we shall only observe that we cannot but consider the Resolve of the 5th Instant truly alarming.

We have heard of Instructions to be sent forward from the October session of Assembly but none have yet come to hand.³

² See nos. 702, 715, *post*. A letter from Arnold to an unknown correspondent Dec. 7 is listed in Henkels, *Catalogue*, no. 1074, part III., item 70. It is described as "giving a rather despondent account of the doings of Congress, complaining of high salaries paid officials and the non-payment of soldiers".

[702]¹ R. I. Arch., Letters to the Governors, 1782-1783, p. 33 (signed by Arnold and Howell); Staples, *R. I. in Cont. Cong.*, p. 402.

² See the *Journals*, Dec. 6, 11, and nos. 686, 690, 693, 695-701, *ante*. The letter to Rhode Island reported by the committee Dec. 11 is in Staples, *R. I. in Cont. Cong.*, p. 402, in Hamilton's *Works* (ed. Hamilton), I. 322, and in Boudinot, *Life of Elias Boudinot*, I. 275. The same committee (Hamilton, Madison, and Fitzsimmons) prepared the reply to the letter of Speaker William Bradford. See the *Journals*, Dec. 12, 16, and Madison's Notes of Debates Dec. 16 (*Journals*, XXIII. 867). Bradford's letter is also in Staples, *R. I. in Cont. Cong.*, p. 404.

³ See the *Journals*, Dec. 12, and nos. 704, 706, 707, 714, 715, 718, 722, 723, *post*.

703. WILLIAM FLOYD TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

PHILADELPHIA, December 7th, 1782.

Sir:

As we have in our Official Letter Informed your Excellency of all Matters that are of a publick nature and that Relate to our State, I shall only Remind you of my Situation with Respect to the means of Support: I did not Leave home with any Expectation of Coming to this place, unless the State in the first Instance did furnish me with money. But by your Excellencys Advise, Expecting that I should very Soon be Supplied I was Induced to come on. I am now here at my own Expense which I am not able to Sustain but a very Short time Longer. under those Circumstances your Excellency will easily Discover my Embarrassment and I hope Devise some way for my Relief that I may not be Involved in Difficulties that are Disgraceful to myself and to the State.

from Sir your most obedt. and humble servt.

WM. FLOYD.

704. THE NEW YORK DELEGATES TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

PHILADELPHIA, Decr. 9th, 1782.

Sir,

Inclosed we have the honor to transmit Your Excellency sundry resolutions of Congress of the 5th instant; by which you will judge of the present temper of that body, respecting the affairs of the grants. We cannot, however, absolutely rely upon the execution of the coercive part of them if the matter should require an exertion of force. Many who at a distance adopt very decisive ideas, might shrink from a measure replete with consequences at least delicate, if not dangerous. The principal advantage we promise ourselves from these resolutions is, that they will give a complexion to the future deliberations on the subject and may induce Congress the more readily to adopt some moderate medium. It, therefore, becomes the policy of the State to facilitate as much as lies in its power this object, by doing everything (if anything remains undone) that may tend to conciliate the inhabitants of the Grants, and to take away all motives of opposition from the private interests of individuals or the other States. It is to be recollected in particular that a considerable part of the army is interested in grants of land to a large extent under the usurped government of Vermont. Much will depend upon their disposition in the progress of the business, and it is, therefore, of primary importance that they should be secured at all events. We apprehend there should be a confirmation of their titles unfettered by any condition whatsoever; if any are annexed by the acts of last Winter relative to that subject (which we do not find among our papers) we take the liberty to suggest that they will be worthy the future consideration of the legisla-

[703]¹ Furnished by the courtesy of the Rosenbach Company.

[704]¹ *Clinton Papers*, VIII. 56 (signed by Floyd and Hamilton).

ture. We enlarge the less on these topics as we are persuaded the wisdom of the State will distinguish and pursue the true line of policy upon this occasion, and will clearly perceive the propriety of moderation.

Congress have resolved to send a deputation of three members to the State of Rhode Island to urge their compliance with the requisition of the five per Cent duty as a measure essential to the safety and reputation of these states. The members chosen are Mr. Mifflin, Mr. Nash and Mr. Osgood.²

705. WILLIAM FLOYD TO JAMES DUANE.¹

PHILADELPHIA, Decbr. 9th, 1782.

Dear Sir,

Since you left this place we have had Phelps' Business on the Carpet and Congress have resolved that those persons should be Restored to their possessions, and property. it is done in pretty Spirited Terms and I hope will have good Effect.² Congress are so Impressed with the necessity of the 5 per cent Duty that they have appointed a Deputation of Three, to go to Rhod Island and Endeavour to Convince that State of the propriety of the measure. the Gentlemen are Mifflin, Nash, and Osgood³. . . .

706. THE VIRGINIA DELEGATES TO THE GOVERNOR OF VIRGINIA
(BENJAMIN HARRISON).¹

[December 10, 1782.]²

The public Creditors have for sometime past been extremely urgent for some effectual and permanent provision in their favor and seeing but little prospect of obtaining it from the United States are turning their applications to their own States. Those who are Citizens of Pennsylvania in particular have adopted this policy and the Legislature having rec'd no satisfactory answer to two memorials presented to Congress in their favor have been on the point of appropriating to their use a part of the requisition of Congress allotted for more essential objects.

Should such a measure be resorted to by one State it would probably be received by the others as a signal to take care each of its separate interests.

The Effects of such a step on the Union itself, on the Common Defense, on our national character and on the Councils of the Enemy need not be traced.

² See no. 702, *ante*.

[705]¹ N. Y. Hist. Soc., Duane Papers, V. 519.

² Duane and L'Hommedieu obtained leave of absence Nov. 27. The action of Congress here referred to was on Dec. 5. See also the *Journals*, Oct. 10 (p. 645 n.), Nov. 5, 8 (720 n.), 14, nos. 696, 699, 704, *ante*.

³ See no. 702, *ante*.

[706]¹ *Va. Mag. of Hist. and Biog.*, XXVI. 151 (extract, with the conjectural date 1781).

² The contents of the letter fix the date approximately. Dec. 10 is assumed to be the exact date, for the reason that the delegation letter normally bore the same date as Madison's letters (see no. 707, *post*), and all were, as a rule, written on Tuesday.

The apprehension of them by Congress produced the inclosed instructions to the Superintendent of finance.³

The resolution which follows deputing three of their members to Rhode Island to enforce the impost 5 per ct. was thought a precaution no less essential.⁴ For besides the tendency of this fund if vested in the United States to prevent undue appropriations by the States we find by melancholly experience that the annual contributions of the States, if left to the entire appropriation of Congress are not only unequal to the annual expense, but unequal in point both of amount and punctuality to the interest of the annual expense.

Unless some more effectual provision therefor be made for public credit every one must preconceive the dangers and perplexities which await us.

The enemy already take courage from the prospect and the little progress made by Mr. Adams' Loan between his letter in June and his last in August makes it probable that the attention of our friends has also been drawn to this subject. Indeed their disposition to lend at all can only have resulted from an ignorance of our affairs which the enemy would take care should not be of long continuance.

How far the repugnance of Rhode Island to the impost will yield to these considerations is uncertain, as it is how far they will further reconcile to that measure the States which have but partially acceded to it. Our duty however requires that we should submit them thro your Excellency to the Judgment of our constituents.

707. JAMES MADISON TO EDMUND RANDOLPH.¹

PHILADA. 10th Decr. 1782.²

My dear Sir,

The Assembly of Penna. have with much difficulty been prevailed on to desist from a plan in which a part of the requisition of Congress allotted for other uses was to be appropriated to their citizen Creditors of the U. S. The consequences apprehended by Congress from such an example, and the probability that the plan will be renewed at the next meeting unless some intermediate provision be made for the credit of the U. S., have produced two Resolutions, 1st, an instruction to the Superintendent of Finance to represent to the States the pernicious tendency of such unconstitutional appropriation; 2dly, a deputation of Mr. Osgood,

³ See the *Journals*, Nov. 20, Dec. 4, 6, and Madison's Notes of Debates for the same dates (*Journals*, XXIII. 850, 860, 964); cf. no. 698, *ante*, and nos. 707, 710, *post*; also Madison's letter of Jan. 7, 1783, in the next volume.

⁴ See no. 702, *ante*, and nos. 707, 714, 715, *post*.

[707]¹ Library of Congress, Madison Papers, I. 58; *Writings*, I. 277; *Papers*, I. 488.

² On Dec. 10 Randolph offered his resignation as a delegate in Congress, explaining that, although he had resolved to complete his term, "an obstacle of a public nature" had occurred within the last three weeks. He had been placed on a committee (Mason, Jefferson, Arthur Lee, Thomas Walker, and Randolph) to state the title of Virginia to the western territory; but Mason had declined, Jefferson was about to embark for Europe, and the committee could not suffer a further diminution. Va. State Lib., Executive Papers.

Mr. Mifflin and Mr. Nash to enforce on Rhode [Island] ³ the impost of 5 pr. Ct. The latter Resolution besides its tendency to the immediate end proposed by the first, was called for ⁴ [by the general pressure of our necessities.] Our official letter encloses these Resolutions to the Executive, and hazards some [very free and alarming] remarks for [the legislature] directly pointing to [a fuller compliance] with [the impost.] I have added a private letter to the Governor which is still more explicit and pointed on the subject. In the present situation of our affairs we did not think less would justify us to ourselves or to our Constituents. . . .

The Se'y of F. A. has resigned his office in form, but will continue to act for the present month to prevent an interregnum in the Department. The 19th instant is fixed for the choice of a Successor. No one has yet been put in nomination.⁵

By Mr. Jefferson's letter to the Office of F. A. and a private one to myself, he may be expected here about the end of this month. It is improper therefore to address any thing to him.

The Grand Committee have had another meeting on the subject mentioned in a late letter. The scheme of Mr. Fitz[simo]ns was adopted with the [rates of] depreciation [left blank.] The ideas on this point varied from [forty to one hundred and fifty and upwards for one.] ⁶

708. THE PRESIDENT OF CONGRESS TO JOHN LOWELL.¹

PHILADELPHIA 11th Dec. 1782.

Dear Sir,

To perform the duty of a first servant of our Country, by presenting her confidential honors as the reward of Merit, is undoubtedly very pleasing to every generous mind; but when the feelings of private friendship are at the same time highly gratified in so important a service, the reward is great indeed. With these sentiments permit me, Sir, to present the inclosed Commission by which you are appointed one of the Judges of the Court of Appeals, and most cordially to congratulate you on this instance of the high esteem your Country bears towards you. It is more worthy as it has been unsought for and unsolicited by you.

I doubt not but the appointment will do honor to Congress and be really beneficial to your Country.

P. S. I had forgot to inform you that Mr. George Read, a gentleman of great integrity and abilities of the Delaware State, was chosen at the

³ The word "Island" was inadvertently omitted. Concerning this affair see nos. 693, 695, 702, 706, *ante*, no. 714, *post*.

⁴ "I make use of the Official Cypher as more familiar and equally proper here" (note in original, by Madison). Words in cipher are placed in square brackets. There is however no cipher for the word "by", which the sense requires.

⁵ See the *Journals*, Dec. 3; also no. 695, note 5, *ante*, and no. 718, *post*.

⁶ See no. 695, *ante*, and Madison's Notes of Debates, Nov. 26, Dec. 7 (*Journals*, XXIII. 854, 865). The words "left blank" are in cipher.

[708]¹ Library of Congress, President's Letter-Book, p. 163; Boudinot, *Life of Boudinot*, I. 279.

same time with you in the room of Mr. Paca, resigned; and in order to settle precedence between you, lots were drawn, when it turned in favor of Mr. Read; wherefore, your commission is dated the day after his.²

709. THE PRESIDENT OF CONGRESS TO THOMAS CHITTENDEN.¹

PHILADELPHIA 11 Dec. 1782.

Sir,

I have the honor of inclosing you a copy of an Act of Congress of 5th instant, respecting certain Acts and proceedings of the People inhabiting the District of Country on the West side of Connecticut River, commonly called the New-Hampshire Grants, which I beg you will communicate to the said People as soon as you conveniently can.

I likewise request to be informed of the proceedings which may take place in consequence of the above mentioned Resolutions as soon as possible.²

710. THE NEW HAMPSHIRE DELEGATES TO THE PRESIDENT OF
NEW HAMPSHIRE (MESHECH WEARE).¹

PHILADA. Dec. 11th, 1782.

Sir,

On the 9th Inst. we were Honored with your Letter of the 26th ultimo, Inclosing a Representation from Mr. Blanchard in behalfe of the New Hampshire Line and the Report of a Committee thereon.² The subject of a settlement with the army for Pay, Depreciation and Retained Rations is now under consideration. The substance of the Report is, that Settlements should be immediately made by the United States up to the last Day of December 1781.³

You have Inclosed sundry Resolutions passed the 5th Inst. respecting the affairs of Vermont. a Resolution is now under consideration for assigning a Day when Congress will make their Final Determination respecting that Territory. This we Endeavoured to have determined in season to be Transmitted by this Post, but it has met with such obstructions as has hitherto prevented; it will probably be done in a few Days. as the final Determination of this matter is of very great Importance, we have to repeat the request that the Honorable the Legislature would be pleased to give their explicit Instructions on the subject.⁴

² See no. 700, *ante*. According to the *Journals* the action determining the relative rank of the two appointees was taken Dec. 13. This postscript was therefore probably written not earlier than Dec. 13.

[709]¹ Hist. Soc. of Pa., Boudinot Papers, II. 112; Library of Congress, President's Letter-Book, p. 161.

² See no. 694, *ante*.

[710]¹ *N. H. State Papers*, X. 495 (signed by White and Gilman).

² See the *Journals*, Dec. 3, 11, 13; *cf.* nos. 698, 706, *ante*.

³ See nos. 712, 714, 720, *post*.

⁴ The letter closes with a request that a new delegation should be chosen in time to relieve them in the beginning of April next.

711. ABRAHAM CLARK TO ELIAS DAYTON.¹

PHILADA. Decm. 16, 1782.

Dear Sir,

Congress last thursday took up the report for establishing a Line of promotion for Brigadiers Similar to the one I lately informed you was rejected, which, owing to a number of New members or from other Cause, was passed: To this was added a clause for promoting your self and Colonels Grattan and Putman, but as the former part of the report had passed it was thought improper to pass this as it might not agree with the plan just established especially with regard to your self, as your Appointment would depend upon what state whose troops Those of New Jersey may be Brigaded with—if it should be with New York, you can have nothing to expect, but if with Delaware, I suppose you will Succeed of Course. This the Secretary at War gives me strong reasons to believe will be the case, but, however, must rest with the Commander in Chief. As the Secretary at War Set of yesterday for Boston and will call at headquarters, by which time the General will be in possession of the Resolution, you may be able to know on what ground you stand by applying to the Commander in Chief. The Delaware Regiment, it is said, is now on their way from the southward to join the main Army and may be joined to our Troops if the measure meet with the generals approbation. Matters being thus Circumstanced, It will not be in my power to give you any further information respecting this business. All rests with the general in forming Brigades.²

I am Dear Sir,

Your obedt. Hum. Servt.

ABRA: CLARK.

712. JOHN TAYLOR GILMAN TO THE PRESIDENT OF NEW HAMPSHIRE (MESHECH WEARE).¹

(Private)

PHILADA. Decr. 17th 1782.

Hon'd Sir,

. . . . By the latest accounts from Europe, it appears probable that Negotiations for Peace will be seriously Entered upon soon, but their are many (Seperate) Interests to be adjusted which will probably require much time.

The present designs of our Enemy are not known to us with so much Certainty as could wish, but it is the general Sentiment that they have relinquished the Idea of further prosecuting the war on this Continent. Indeed it is time for them for they have persisted in it to their Own (as well as our) great Injury. The Importance of the United States is daily

[711]¹ Furnished by courtesy of Mr. Charles F. Jenkins of Philadelphia.² See the *Journals*, Dec. 4, 12; also nos. 567, 697, *ante*, and no. 719, *post*. For earlier letters respecting Dayton's promotion see these *Letters*, vol. II., p. 291, vol. V., pp. 492-493.[712]¹ Mass. Hist. Soc., C 81 B 105.

Increasing abroad, But our affairs at Home are not in a pleasing Situation by any means, the want of Revenue is very great, our Army are unpaid, public Creditors Clamorous, and when we add to this a want of Confidence in the public and in the Several States towards each other our Embarrassments will appear (as they are in fact) very great, but we have Struggled through many difficulties, and our present troubles should by no means Operate as an Encouragement to our Enemy to prosecute the war, for they have repeatedly Seen (and I doubt not will again if nesessity requires it) these United States rise Superior to all difficulties. from some Information already received, are daily Expecting further Information respecting Negotiations for Peace. I have (few Days Since) been informed that application has been made to New Hamp'e for Compleating their Two Battalions; this was unknown to Congress, and had I been informed of it Seasonably should have given my Sentiments on the Subject. I Sent a list of the Army to Collo. Bartlett some Months Since,² my Views were that you might know what number of the Troops in service belonged to N H. I am Sure the State has made Exertions the year past (in raising Troops) much beyond their abilities, and as I See no real Necessity for raising men at present, shall be pleased if they have rejected the proposition.

. . . . I have marked this as private, my meaning is that it is not Intended for the perusal of the Hon'ble the Legislature, but you will please to make such other Communication of it as you may think proper. . . .

713. THE VIRGINIA DELEGATES TO THE GOVERNOR OF VIRGINIA
(BENJAMIN HARRISON).¹

PHILA: 17th Decr. 1782.

S'r,

We are honoured with your Excellency's favor of the 7th. . . .

The inclosed Copy of a Letter from the Secretary of Congress to Mr. Clarke on the subject of the passports for shipping Tobacco to New York, will shew the conduct of Mr. Thompson in the business and enable you to obtain a Satisfactory explanation from Mr. Clarke.²

² See no. 576, *ante*.

[713]¹ Va. State Lib., Executive Papers (signed by Jones and Madison); *Cal. Va. State Papers*, III. 399 (abstract).

² Harrison's letter of Dec. 7 is in *Official Letters*, III. 394. He is replying to a statement in the delegates' letter of Nov. 26 (no. 692, *ante*), and declares, "The financier has been misinform'd, his agent never made any proposition to me to receive Tobacco on account of the Continent". See also his letter to the delegates Nov. 30 (*ibid.*, p. 391), and no. 519, note 4, *ante*. The letter from Secretary Thomson to Daniel Clarke, transmitted by the delegates, is dated May 3, 1782, and sends passports for vessels "sent from New York to carry away tobacco for goods sold under the capitulation at York", together with instructions as to the maximum amount permitted. A letter from Clarke to Governor Harrison Dec. 6, saying that he had "the Financiers Orders to receive from the Honorable Executive of the State, such Tobacco as they may be pleased to allot him for the service of Congress", is in Va. State Lib., Executive Papers, and Harrison's reply, Dec. 8, is in *Official Letters*, III. 395. See further Harrison's letter to the delegates Jan. 4, 1783, *ibid.*, p. 420.

714. JAMES MADISON TO EDMUND RANDOLPH.¹

PHILADA. 17th Decr. 1782.

My dear Sir,

Since the appointment of the deputation to Rho: Island Congress have recd. a copy of the refusal of the Legislature of that State to concur in the impost, with the reasons on which the refusal is grounded. . . . They are in the hands of a Committee who will report such observations as they may deem a fit answer to them. The deputation has not yet set out, but probably will in the course of the week.²

Vermont has been again on the tapis. Its only advocates were the delegates of Rho: Island who are charged with interested views in the case, and those of N. Jersey who are fettered by instructions from their Constituents. I understand that a Mr. Titchner, one of the Agents formerly here, is arrived from Vermont probably in consequence of a signal given of the revolution w^{ch} is taking place in the foederal Councils with respect to them. A little time will display his errand.³

General Greene has referred to Congress a case which admonishes them of the necessity of a code for captures and recaptures on land as well as on water. A detachment of the continental forces having retaken a number of Horses which had been taken by the enemy from Citizens of S. Carolina, the Executive Authority of the State demanded a restitution, on the general principle that the original owners were entitled to all recaptured property. This demand was laid before a Council of officers which decided against its validity. The General has submitted the case to Congress for their final judgment. It appears from a review of the proceedings of Congress, that a very defective provision only has been made for captures, and no provision at all for recaptures, on land. The opinion of the Council of war is conformable to the practice of the Army in like cases, and to the rules observed by other nations. The demand of restitution in favor of the original proprietors is warranted by the principles of equity and the spirit of the ordinance relating to Captures on water. All that Congress can do in the case will be to remit to the original owners the prize which has been adjudged to the U. S. But some general provision for future cases will be necessary in which it will be not easy to define the species of property of which restitution may be claimed. To extend the rule to every species of property would open a door to innumerable disputes and abuses. I observed on this occasion what had escaped me before, that if Congress should establish a court for Captures on land, such cases can come before it only on *appeal*.⁴

(Official Cypher) Letters from [Franklin and Jay, dated late in September, show that a commission has been issued to Oswald to treat with Com-

[714]¹ Library of Congress, Madison Papers, I. 59 (draft); *Writings*, I. 292; *Papers*, I. 489.

² See the *Journals*, Dec. 11, 12, 16-18, 20, 24; cf. nos. 695, 702, 707, *ante*, 718, 722, *post*. See also Madison's Notes of Debates, Dec. 12-18 (*Journals*, XXIII. 867-868).

³ See nos. 696, 704, 705, 710, *ante*, no. 720, *post*; also Madison's Notes of Debates, Dec. 10, 11 (*Journals*, XXIII. 866, 867).

⁴ Greene's letter appears to have been read in Congress Dec. 10. For action on the subject see the *Journals*, Dec. 23.

missioners of the Thirteen United States, by which some precedent⁵ obstacles were surmounted; and that Spain meditates an immoderate defalcation of our Western territory.] All this [intelligence however has come to us in obscure fragments. I commit it to you as to a member of Congress on whom secrecy is enjoined, and in this] cypher [as] *certainly* unknown [to all but official persons.]⁶

715. JONATHAN ARNOLD TO THE GOVERNOR OF RHODE ISLAND
(WILLIAM GREENE).¹

PHILADELPHIA, December 18th, 1782.²

Sir,

I have to inform you that although Mr. Collins arrived here this day week, Mr. Howell is still here, and how much longer he will be detained is unknown, Congress having taken such measures affecting him person-

⁵ In the printed texts the untranslated cipher 275 stands before the word "obstacles". The official code gives for this cipher both *president* and *precedent*.

⁶ The letters referred to are, Franklin to Livingston Sept. 26, and Jay to Livingston Sept. 28 (Wharton, *Rev. Dipl. Corr.*, V. 763, 779). See also Jay to Adams Sept. 28 (*ibid.*, p. 778). Oswald's first commission (in translation), dated July 25, is *ibid.*, p. 613. The second, dated Sept. 21, is *ibid.*, p. 748. Cf. nos. 650, 656, 657, 660, *ante*.

[715]¹ R. I. Arch., Letters to the Governors, 1782-1783; Staples, *R. I. in Cont. Cong.*, p. 420.

² On Dec. 18 (probably) there was a proceeding in Congress not otherwise of record than in the following letter from Robert Morris to Washington, Dec. 27. The letter is dated from the "Office of Finance", but Morris is acting in his capacity as agent of marine.

"I am duly honored with your Excellency's Favor of the seventeenth Instant. Previous to the receipt of it Admiral Digby had transmitted the polite Application of which a Copy is enclosed. In Answer to it I wrote a Letter of which a Copy is also enclosed and which I think Consists with your Excellency's Sentiments. As this Letter involved Engagements which were of an extensive Nature whether considered in a pecuniary or political Point of Light I thought it best to submit it to Congress, more especially as it militated in some Degree with their Resolutions. To avoid the tedious Discussions which might have attended any Resolution as well as to leave it on the Basis of a mere ministerial Act in which the Sovereign Authority might not be compromised in any supposable Case, I desired the President to read it and take the Sentiments of Congress without a formal Minute that so their Approbation or Disapprobation might be verbally expressed. This was done and the Letter was approved. What may be it's Fate with the Enemy I know not but hope it may prove agreeable to our Wishes." Library of Congress, Washington Papers.

Washington's letter (dated Dec. 16, not 17) transmitted to Morris, as appertaining to his office, an extract from a letter of Sir Guy Carleton. "Your naval prisoners here", Carleton wrote Washington, "are in want, as I am informed, of many necessities to protect them against the inclemency of the winter. If it is not held proper by Congress that any exchange should take place, it seems however necessary that their confinement may be made as comfortable as the nature of the case will admit of."

While Morris refers to Admiral Digby's letter to him (it is dated Dec. 3) as a "polite Application", it may more properly be characterized as caustic. "And will you", he says in one place, "murder your own people, prisoners, by letting them remain without clothes during the winter, because there are not so many as you have of our soldiers—and for what?" In his reply to Admiral Digby, Dec. 18 (copy in Washington Papers), Morris stoutly defends his own course in the matter, then makes this proposition: "There has been so much Complaint upon this Subject on all sides that every Body must wish a final Settlement. To effect it I will now make you a plain and simple Proposition. Let us liberate all marine Prisoners on both Sides taking proper Receipts. Let us come to a Settlement of the Accounts as speedily as possible. If the Balance is against us I will pay you in money immediately according to the Terms of Cartel existing between England and France Provided you will agree to do the like." It was this proposal to which Morris felt it was necessary to obtain the assent of Congress.

ally, and relative to his public Conduct, which renders his stay of absolute necessity.³ He has vindicated himself with a firmness becoming a Representative of a free State, and as the Liberties of the State and its rights, by Confederation I conceived to be invaded by the Measures pursued against him, he has had every support I could afford him. This has drawn on me the attention of Congress, and I am included with Mr. Howell in a Resolution of this day for referring to a Committee a Certain Motion made by Mr. Howell, and seconded by me, wherein were asserted the rights of a Delegate and the dangerous tendency of the measures pursuing, to their privileges, and to the Liberties and privileges of the United States, in the form of a declaration and protest. I have not time to copy and enclose it by this, but shall forward it by the next Opportunity. Where and when the matter will end, is impossible to say, but hope it will not change the Resolution of the Assembly in Respect to the Impost, which I am persuaded it is calculated to do. I am certain it cannot when the Matter is fully known, and instead thereof, it might fix their opinion as expressed in the third Reason, which they stated to Congress, when their [*sic*] communicated their Refusal therewith. Mr. Collins being absent and the post just setting off, I have not the Opportunity to write jointly with him.

716. DANIEL CARROLL TO THE GOVERNOR OF MARYLAND
(WILLIAM PACA).¹

PHILADELPHIA Decr. 21st, 1782.

Dear Sir,

I forwarded last Thursday under Cover to Mr. Calhoun,² two Letters from the Minister of France, one for your Excell'cy, the other for the Commanding officer of the French Marine in Chesapeake, and I now do myself the honor of sending with this, a Copy of a Memorial from the Assembly of Massachusetts, on a Subject which may eventually interest our State:³ I request you Sir to communicate it to the General Assembly, likewise a Copy of an answer from Congress to the objections made by the Assembly of Rhode Island to the granting the 5 per Cent on imported goods. Three Members, Messrs. Osgood, Mifflin and Nash are appointed to proceed to Rhode Island on this Subject.⁴

I beg leave to mention, that it is the Sense of Congress no other Copys should be taken of the answer at present, than those which the Delegates are permitted to Send to the Legislatures or Executives of their respective States. . . .

³ Howell was granted leave of absence, on his application, Dec. 12, and the record in the *Journals* follows the presentation of the report on the publication of his letter. It seems probable however that the application may have been made prior to the report and that his determination to remain was taken in consequence of the report. See nos. 701, 702, 704, 706, 707, 714, *ante*; also Arnold's letter of Jan. 8, 1783, in the next volume. Cf. Howell's letter of Oct. 16 with Gilman's of Sept. 17 (nos. 650, 618, *ante*).

[716]¹ Md. Hist. Soc., LXXXVII. 342 (copy).

² James Calhoun of Baltimore.

³ Doubtless the memorial of Oct. 21, read in Congress Nov. 26. See nos. 663 (note 4), 693, 695, *ante*, no. 720, *post*.

⁴ See no. 715, note 3, *ante*.

[P. S.] Decr. 24th. Dispatches were received yesterday from Messrs: Franklin and Jay and the Marquis De La Fayette, dated about the middle of October. The Commission to Mr. Oswald is received, it empowers him to treat with the Commissioners of the *thirteen United States of America*. If it is possible to obtain a Copy in time I shall Send it by post. The Secretary for Foreign Affairs is directed to send one to each State.⁵

717. ELIAS BOUDINOT TO LEWIS PINTARD.¹

PHILADELPHIA Decr. 24th, 1782.

My dear Sir,

A Frigate has lately arrived from France and went on Shore in Our Bay in the Snow Storm, but has luckily got off again. Her dispatches are just come up and I heartily congratulate you on Great Britain's having admitted our Independance, by sending Mr. Oswald to Paris with a Commission to treat of Peace with Com'rs from the 13 Colonies, which our Comm'rs absolutely refused to treat upon, in Consequence wherof Great Britain has given up the Matter and issued a formal Commission to treat with "*any Commissioner or Commissioners from the 13 united States of America*" and to enter into all the necessary Stipulations as with an Independent Nation.² The Rubicon is therefore Past and I am happy that my Expectations are likely to be fulfilled. . . .

718. JAMES MADISON TO EDMUND RANDOLPH.¹

PHILADA. 24th Decr. 1782.

My dear Sir,

Since my last the *Danae* a French frigate has arrived from France with money for the French army and public despatches.²

Mr. Livingston has been prevailed on to hold his office for this winter. The election of a successor was within a moment of being made when the practicability of retaining his services was discovered. The Gentlemen

⁵ See nos. 717, 718, 720, *post*. Jay's letter to Livingston Oct. 13, Franklin's Oct. 14, and Lafayette's to Washington Oct. 14 are in Wharton, *Rev. Dipl. Corr.*, V. 809, 811, 814. Concerning prior letters of Franklin and Jay relative to Oswald's commission see no. 714, *ante*. Other letters of approximate dates pertaining to the peace negotiations are in Wharton, V. 797, 803, 808, 809, 810. The articles agreed on between Oswald and the American commissioners, Oct. 8, are *ibid.*, pp. 805-808. The intercepted letter of Marbois to which Jay refers in his letter of Oct. 13 is dated Mar. 13 and is *ibid.*, p. 238, together with a discussion of the question of its authenticity. See also Madison's Notes of Debates, Dec. 23, 24 (*Journals*, XXIII. 870, 871); also Paca to the assembly Dec. 28 and to Carroll Jan. 23, in *Arch. of Md.*, XLVIII. 330, 335, 336.

[717]¹ Hist. Soc. of Pa., Boudinot Papers, II. 115.

² See no. 716, note 5, *ante*. Madison mentions, in his letter of Dec. 24, the name of the frigate as the *Danae*.

[718]¹ Library of Congress, Madison Papers, I. 60; *Writings*, I. 294; *Papers*, I. 491.

² See nos. 714, 716, 717, *ante*, and no. 720, *post*; also Madison's Notes of Debates, Dec. 23, 24, 30, 31 (*Journals*, XXIII. 870-872, 875). Madison gives some account of the despatches, particularly of Oswald's commission. A letter of the same purport from the delegates (Jones and Madison) to the governor is in *Cal. Va. State Papers*, III. 403. It adds, however, "You will receive a copy of the Commission transmitted to Congress from the Secretary of foreign affairs." Oswald's commission, dated Sept. 21, is in Wharton, *Rev. Dipl. Corr.*, V. 748; also in *N. C. State Recs.*, XVI. 419.

in nomination were [General Schuyler] and Mr. [Clymer.] Mr. [Read] had been nominated but withdrawn.³

The deputation for Rhode Island is still here. A report that Maryland is receding with respect to the object of their mission, and information conveyed in a letter from Mr. Pendleton to me that Virga. on hearing of the unanimous refusal of R. I. had repealed her accession, by disarming them of their most pointed argument had produced great hesitation. They wait at present however only for intelligence with respect to Md. and Va. which was expected by yesterday's post. But the post is not even yet come.⁴

719. ELIAS BOUDINOT TO ELIAS DAYTON.¹

PHILADELPHIA Decr. 25 1782.

Sir,

. . . . Congress have been repeatedly engaged in endeavouring to settle some permanent Rule for the promo[tion] of Colls. to the Rank of Brigadiers. Your promotion, which we have Invariably insisted on, previous to our Consenting to any rule that would exclude you, has prevented several Essays, from being carried into Execution. At length it has been proposed and resolved, that the Army should be divided into three districts and where the Troops of two States formed one Brigade, the eldest Col. should be promoted to the Command.²

³ See nos. 695, 707, *ante*, the *Journals*, Dec. 19, 21, and Madison's Notes of Debates, Dec. 21 (*Journals*, XXIII. 869). The three names are in cipher. George Read's acceptance of the appointment to the Court of Appeals had just been received (Dec. 19).

⁴ See nos. 707, 714, *ante*, and nos. 722, 723, *post*, the *Journals*, Dec. 18, 20, 24, and Madison's Notes of Debates, Dec. 20, 24 (*Journals*, XXIII. 869, 870).

In consequence of a motion of Howell Dec. 18, Congress resolved Dec. 20 that the motion, with the preceding resolutions to which it refers, together with "an authenticated state of the several applications for foreign loans, and the result thereof", be transmitted by the secretary for foreign affairs to the executive authority of Rhode Island. From Madison's Notes of Debates Dec. 20 (*Journals*, XXIII. 869) it is learned that there was a discussion whether the official to transmit these documents should be the secretary of Congress, the President, or the secretary for foreign affairs. Livingston's letter to the governor of Rhode Island, dated Jan. 4, 1783, is in Wharton, *Rev. Dipl. Corr.*, VI. 194. See further Howell's motion Dec. 27, his statement and motion (the motion withdrawn) Dec. 31, and the consequent order; also the *Journals*, Jan. 2, 3, 1783.

The Howell incident gave rise to a motion by Richard Peters to establish a further rule and pledge of secrecy on the part of members of Congress. The matter was referred to a committee (Peters, Williamson, and Gilman) to report upon, and the committee's report is found in the *Journals* under Dec. 23, the date indicated by the endorsement as that of the appointment of the committee. Madison's Notes of Debates show that the report was brought in on Jan. 10, 1783, discussed, and finally withdrawn (*Journals*, XXV. 849-850).

The last paragraph of Madison's letter of Dec. 24 (see the printed text in *Writings* and in *Papers*), relative to the embarkation of the French troops and Rochambeau's assurance of their instant return in the event that war should be renewed, is largely in cipher and is preceded by the words "Of—I Cy—r". One or two words at the close of the paragraph are missing. The sentence should doubtless read, "I need not give other intimations of secrecy on the points than the nature of them and the use of the cypher [will suggest]".

[719]¹ N. Y. Pub. Lib., Misc. MSS., Boudinot.

² See the *Journals*, Dec. 4, 12, 1782, and Jan. 7, 1783; also no. 711, *ante*, and Boudinot to Dayton, Jan. 7, 1783, in the next volume.

720. PHILLIPS WHITE TO THE PRESIDENT OF NEW HAMPSHIRE
(MESHECH WEARE).¹

Sir,

PHILADELPHIA Decr. 25th, 1782.

by a vessel arrived here from France, Congress have received from our Ministers there, a Copy of the Commission to the Minister Plenipotentiary from the British Court, to treat with them on terms of peace, Sundry letters accompanied said Copy the Contents of which I am not at liberty to communicate. I flatter myself that peace is at no great distance; but however flattering affairs appear, the Negotiation may break off without a peace.

No certain account that the Enemy have left Charleston, but expect it every day. by many circumstances there is reason also to think that New York will be evacuated by them within a short time. Nothing further done on the affair of Vermont.

No final determination with respect to Continental Bills now in the hands of individuals, or in any State Treasury, more than their Quota, although much time has been spent on the Subject, the affair is to be taken up again next Tuesday.²

A resolve has passed that the Prizes in the fourth Class of the Cont'l Lottery be paid in Certificates at the rate of one Dollar for forty.

PS the Secretary of Foreign affairs is directed to send a copy of the above said Copy of the British ministers Com'n to each of the united States.

721. OLIVER WOLCOTT TO MRS. WOLCOTT.¹

My Dear,

PHILADELPHIA 28th Decr. 1782.

. . . . I mentioned in my last ² that his Britannick Majesty had issued a Commission to treat with the *States of America* under that Discription, which necessarily implies our Independence, but considering the Duplicity of the Enemy, The Volatility of their Councils, the Various Interests to be adjusted, the speedy settlement of peace is an Event that cannot be depended upon, but perhaps We have more Reason to expect that the present negotia[tio]n which is now going forward, will conclude in that Manner, than We have had at any former Period.³ No News of the Evacuation of Charles town and I think that it will not take place till Peace shall be settled. . . .

722. JAMES MADISON TO EDMUND RANDOLPH.¹

My dear Sir,

PHILADA. Decr. 30, 1782.

Your favor of the 13th instant arrived a few minutes after I sealed my last. That of the 20th came duly to hand yesterday. The sensations

[720]¹ N. H. Hist. Soc., Weare Papers, XI. 93.

² See no. 716, note 3, *ante*, and the letters of White and Gilman to Bartlett, Jan. 9, 1783, in the next volume.

[721]¹ Conn. Hist. Soc., Wolcott Papers, III. 67 (addressed to Mrs. Laura Wolcott, Litchfield).

² Dec. 25, *ibid.*, III. 66.

³ See nos. 716-718, *ante*.

[722]¹ Library of Congress, Madison Papers, I. 61; *Writings*, I. 296; *Papers*, I. 494.

excited in Mr. Jones and myself by the Repeal of the law in favor of the Impost were such as you anticipated. Previous to the receipt of your information a letter from Mr. Pendleton to me had suspended the progress of the Deputies to Rhode Island. Yours put an entire stop to the mission, untill the plan or some other can be [now]² extended to the case of Virga. The letter from the Govr. of the same date with your last, gives a hope that our representations may regain her support to the impost, without further steps from Congress. Your doubt as to her power of revoking her accession would I think have been better founded, if she had not been virtually absolved by the definitive rejection of Rho: Island; altho' that rejection ought perhaps to have been previously authenticated to her. I beg you to be circumstantial on this subject especially as to the parties and motives which led to the repeal, and may oppose a reconsideration.³

Mr. [Jefferson]⁴ arrived here on friday last, and is industriously arming himself for the field of negotiation. The commission issued to Mr. Oswald impresses him with a hope that he may have nothing to do on his arrival but join in the celebrations of victory and peace. [Congress] however anxiously espouse the expediency of his hastening to his destination.⁵

General McDougal, Col. Ogden and Col. Brooks arrived yesterday on a mission from the army to Congress. The representations with which they are charged have not yet been handed in but I am told they breathe a proper spirit and are full of good sense. I presume they will furnish new topics in favor of the Impost which alone promises a chance of establishing that credit by which alone the inadequacy of taxation can be supplied.⁶

The French fleet and army sailed a few days ago from Boston [for the West Indies.] . . .

723. THE VIRGINIA DELEGATES TO THE GOVERNOR OF VIRGINIA
(BENJAMIN HARRISON).¹

S'r,

Yesterdays post brought us your Excellencys favor of the 21st.²
. . . . We shall be happy to hear that such parts of our Letter upon the

² A small word is here nearly obliterated.

³ See no. 718, *ante*, and no. 723, *post*.

⁴ "Jefferson", as also "Congress" and "for the West Indies", below, are written in the new cipher forwarded by Randolph Nov. 22 and acknowledged by Madison Dec. 3.

⁵ See the *Journals*, Dec. 30. For a discussion of the instructions to the peace commissioners see Madison's Notes of Debates Dec. 30 (*Journals*, XXIII. 872); *cf.* the notes for Dec. 23, 24 (*ibid.*, pp. 870, 871), and no. 718, *ante*.

⁶ See no. 723, note 3, *post*.

[723]¹ Va. State Lib., Executive Papers (signed by Jones and Madison); *Cal. Va. State Papers*, III. 408.

² Harrison's letter is in *Official Letters*, III. 410. With regard to the action of Rhode Island respecting the impost measure he remarks: "it has always been a surprise to me that R. Island should act as she has done, the necessity of a fund to pay off the Interest due from the Continent is so very obvious that where sense is not wanting, I should be very apt to think the Man a bad one who refused to comply with the requisition of

subject³ as your Excellency was pleased to lay before the Assembly may be thought so far to deserve the attention of that honorable body as to produce a renewal of the Law in the latitude recommended by Congress, especially as the example of a repeal may be followed by other States, and that evil prevented by such a conduct in Virginia, if not good produced by it in a contrary direction, and will leave Congress at least in possession of the powerfull argument that the measure has been approved by the other States, to urge a compliance on the part of R. Island. . . .

PHILA: 31st Decr. 1782.

Congress on that subject, or that should in any manner attempt to wound the little credit that is left us." Replying to this letter of the delegates Harrison wrote (Jan. 11, 1783, *ibid.*, p. 424), "Why the Bill laying an impost of 5 per cent on imported articles was repealed is left to conjecture, other than is declared by the preamble".

³ In the omitted passage the letter mentions the recall of the delegation to Rhode Island in consequence of the information that Virginia had repealed her assent to the impost measure. See nos. 718, 722, *ante*; also the letters of Samuel Wharton, Madison, and Jonathan Arnold, Jan. 6, 7, 8, 1783, respectively, in the next volume.

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